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Ancient Laws and Institutes of England

Originally published for the Record Commissioners in 1840, this two-volume work remains a standard source for scholars of Anglo-Saxon and early Norman legal history. Benjamin Thorpe (1781?–1870) was a respected and prolific scholar and translator of Old English, whose publications in the field earned him a civil list pension in 1835. Trained in Copenhagen under Rasmus Rask, Thorpe advocated a scientific approach to philology, and this is reflected in the thoroughness of the notes, commentary, and concordance appended to the sources reprinted here. The preface to the text places the laws in their historical and geographical context, notes where there are unavoidable gaps in the evidence, and offers a descriptive analysis of the original documents. Volume 1 contains the secular laws issued from the reign of Æthelberht to that of Henry I, with a parallel translation of the Anglo-Saxon text, although the sources in Latin and French remain untranslated.

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Ancient Laws and Institutes of England

*Comprising Laws Enacted
Under the Anglo-Saxon Kings
from Aethelbirht to Cnut*

VOLUME 1:
CONTAINING THE SECULAR LAWS

EDITED BY BENJAMIN THORPE



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ANCIENT
LAWS AND INSTITUTES
OF
ENGLAND.

ANCIENT
LAWS AND INSTITUTES
OF
ENGLAND;

COMPRISING

LAWS enacted under the ANGLO-SAXON KINGS from
ÆTHELBIRHT to CNUT,

With an English Translation of the Saxon;

The LAWS called EDWARD THE CONFESSOR'S;

The LAWS OF WILLIAM THE CONQUEROR, and those ascribed
to HENRY THE FIRST;

ALSO,

MONUMENTA ECCLESIASTICA
ANGLICANA,

FROM THE SEVENTH TO THE TENTH CENTURY;

AND THE

Ancient Latin Version of the Anglo-Saxon Laws.

WITH

A COMPENDIOUS GLOSSARY, &c.

VOLUME THE FIRST;
CONTAINING THE SECULAR LAWS

PRINTED BY COMMAND

OF

HIS LATE MAJESTY KING WILLIAM IV.

UNDER THE DIRECTION OF

THE COMMISSIONERS ON THE PUBLIC RECORDS
OF THE KINGDOM.

MDCCCXL.

COMMISSIONERS
ON
THE PUBLIC RECORDS OF THE KINGDOM,
APPOINTED BY
HIS MAJESTY'S COMMISSION
OF THE
12th of March 1831.

HIS GRACE THE ARCHBISHOP OF CANTERBURY.
THE RIGHT HONOURABLE LORD BROUGHAM AND VAUX.
THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR THE HOME
DEPARTMENT.
THE RIGHT HONOURABLE THE SPEAKER OF THE HOUSE OF COMMONS.
THE RIGHT HONOURABLE THE CHANCELLOR OF THE EXCHEQUER.
THE RIGHT HONOURABLE THE MASTER OF THE ROLLS.
THE RIGHT HONOURABLE THE LORD CLERK REGISTER OF SCOTLAND.
~~THE RIGHT HONOURABLE EARL SPENCER, K. G.~~
THE RIGHT HONOURABLE THE EARL OF ABERDEEN, K. T.
THE RIGHT REVEREND THE LORD BISHOP OF LLANDAFF.
THE RIGHT HONOURABLE THOMAS GRENVILLE.
THE RIGHT HONOURABLE CHARLES WATKIN WILLIAMS WYNN, M. P.
~~THE RIGHT HONOURABLE SIR JAMES MACINTOSH.~~
THE RIGHT HONOURABLE HENRY HOBHOUSE.
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THE RIGHT HONOURABLE MR. BARON PARKE.
THE RIGHT HONOURABLE MR. JUSTICE BOSANQUET.
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EDWARD VERNON UTTERSON, ESQUIRE.
WILLIAM BROUGHAM, ESQUIRE.

CHARLES PURTON COOPER, ESQUIRE, SECRETARY.

PREFACE.

A MOMENT more favourable than the present for the appearance of an enlarged and improved edition of the Ancient Laws of England could scarcely have been selected, when new and critical editions of our early original writers, collections of ancient charters anterior, and of records subsequent to the Conquest, not to mention the numerous and able productions of contemporary historic writers, have of late, in rapid succession, been issuing from the press. That the present work is enlarged will be obvious on a comparison with preceding editions; whether it be also an improvement on them must be left to the verdict of the few whose pursuits have qualified them to sit in judgment on it.

In adopting the indefinite title of ANCIENT LAWS AND INSTITUTES OF ENGLAND, I have been influenced by the consideration, that what we now possess of Anglo-Saxon Law is but a portion of what once existed, and, therefore, without claim to the title of *The Anglo-Saxon Laws*, which has usually been bestowed on it. Of the laws and kindred documents no longer extant, the names of some, together with fragments worked into other codes, have been transmitted to us; such as the Mercian Laws of Offa, from which Alfred, in framing his body of laws, selected such portions as were suitable to his purpose; the South Anglian Laws, the Frið-gewritu, &c. At the

same time, we ought not, perhaps, to suppose that, among our Saxon forefathers, any more than among ourselves, there ever existed a complete *Corpus Juris Anglici*, but that their's was also a Customary or Common Law ; and that what we still possess, and also the portion that has perished, were either the records of decisions to serve as precedents for the future, or enactments passed in the 'Wítena-gemöts' for the repeal, confirmation, amendment, or completion of the law as it then stood.

A glance at the laws themselves, though more particularly at those of the Kentish kings, in which cases are to be found, the occurrence of which no human foresight could ever have contemplated, must tend to confirm the former of these suppositions, and a support to the latter will be found in the preamble to many of the others.¹

To many the question will here present itself: whence did the earlier of these institutes originate? for, if brought by our forefathers from their German home, we ought apparently to give them credit for a degree of civilization beyond that usually ascribed to them. Their original institutes were, however, but scanty, consisting, probably, in little beyond that portion of the laws of Ethelbert which contains the penalties for wounds and other bodily injuries; and which, with such modifications as time, place, and other circumstances may have produced, were common to all the kindred nations of Northern Germany. It is, moreover, observable, that the nations nearest of

¹ The division of the Anglo-Saxon laws suggested by Mr. Allen into æ, customary or common law; *arecnýrra*, statutes; and *dóma*, adjudged cases or precedents, is, I believe, perfectly just, though ignorance or carelessness may occasionally have caused confusion in the application of the terms.

kin to the Angles and Saxons, in this chapter coincide with them the most closely.

Besides the portion brought over by the Saxons, Angles, Jutes, and perhaps Frisians, and the records of adjudged cases or sentences passed, the Church, from the earliest period, furnished its full portion to the codes of our simple forefathers; the first enactment of the first Christian king being, that for the property of God and of the church (if stolen¹) twelve-fold compensation be made. If, therefore, from the laws before us we extract all re-enactments, and all matters purely ecclesiastical, all cases recorded as precedents for the future, probably immediately after their decision, and all exhortatory matter, the remainder will probably consist of the few primitive institutes by which the various tribes were ruled before their establishment in this country.

I WILL now proceed to give a slight notice of the most remarkable documents contained in the present volume.

The Laws of the Kentish kings are known to us only from one manuscript, — the *Textus Roffensis*, preserved in the library of the Dean and Chapter of Rochester, compiled under Ernulf, bishop of that see, from 1115 to 1125. That these laws have descended to us in their primitive state it would be unreasonable to suppose; at the same time, I am inclined to the belief that they approach more nearly to it than is generally imagined. At all events, their language, besides exhibiting occasional archaic forms, is not that of the days of Ernulf. Of these Laws no ancient Latin version is known to be extant.

¹ Bedæ, lib. ii. c. 5.

The succeeding Laws of Alfred, Ine, and their successors, to those of Cnut, require but little notice in this place. Those of Ine, which in the manuscripts are annexed to Alfred's, and even numbered with them, so as to form, as it were, a continuation of Alfred's code, are, for that reason, placed after them in the present volume; it being probable, as has been suggested, that the edition we possess was designed for the use of the West Saxons, while another (now lost), with the Institutes of Offa in like manner appended, was destined for the inhabitants of Mercia.¹

Preceding the laws of Edgar is the valuable document, 'De Hundredo Tenendo,' now first printed from the unique manuscript in the library of Corpus Christi College, Cambridge. The Latin version or text will be found in its place at the end of the volume, freed, by the aid of manuscripts, from most of the corruptions which so lamentably disfigure it in the edition given by Bromton.

Among the statutes of Ethelred, the document entitled 'De Institutis Londoniæ,'² has a great claim to interest on account of its importance to the commercial and monetary history of England. It is printed, though very unintelligibly, in Bromton, where it is made to form an appendage to the Conc. Wane-tingense, but there are several manuscripts of it in our libraries, from a collation of which the text now given has been derived, which it is hoped, though by no means free from corruption, will be found sufficiently so to obviate all difficulty with regard to its sense.

¹ Palgrave's Rise and Progress, vol. i. p. 47.

² See p. 300. of this volume.

Immediately following the Laws of Cnut, is the curious document entitled 'Rectitudines Singularum Personarum,' the Saxon original of which exists, I believe, in one manuscript only, belonging to the library of Corpus Christi College, Cambridge. This piece is valuable, as presenting us with an enumeration of the several classes of persons employed on a domain, of the services to be rendered by each, and of the reciprocal duty of the lord to those engaged on his land. This document presents difficulties to the modern student, arising from our want of acquaintance with many of the usages therein mentioned, though an attempt at the illustration of some will be found in the Glossary appended to the work; it was, therefore, deemed advisable to annex to it the Latin version, from a collation of manuscripts, in place of an English one, of which it seems hardly susceptible.

The French text of the Conqueror's Laws is chiefly from a valuable manuscript at Holkham, formerly the property of Sir Edward Coke, bearing his autograph, and still in the possession of the Right Honourable the Earl of Leicester. The text contained in this manuscript bears signs of great antiquity, and (if the laws of William were really composed in French¹) is, from its dialect, much more likely to be

¹ Anno regni sui quarto, apud Londoñ, consilio baronum suorum, fecit summoniri, per universos Anglie comitatus, omnes nobiles, sapientes, et sua lege eruditos, ut eorum leges et consuetudines audiret. Et licet idem rex Willelmus leges Northfolkie et Southfolkie, Grantebrugie et Deire (ubi quondam maxima pars Danorum et Norwegensium inhabitabant,) prius magis approbaverat, et eas per totum regnum observari preceperat, pro eo quod omnes antecessores ejus, et fere omnes barones Normannie Norwegenses extitissent, et quod de Norwegia olim venissent; sed postea, ad preces communitatis Anglorum, rex adqueivit, qui deprecati sunt, quatenus per-

a nearly faithful representation of the original, than that most corrupt one transmitted to us in the work bearing the name of Ingulph.

mitteret sibi leges proprias et consuetudines antiquas habere, in quibus vixerant patres eorum, et ipsi in eis nati et nutriti sunt, scilicet leges sancti regis Edwardi. Et ex illo die magna autoritate venerate, et per universum regnum corroborate et observate sunt, pre ceteris regni legibus, leges regis Edwardi; que quidem prius invente et constitute fuerunt tempore regis Edgari avi sui. Verumptamen post mortem ipsius regis Edgari, usque ad coronationem sancti regis Edwardi, quod tempus continet annos LXVII. predictæ leges sopite sunt et penitus pretermisse; sed postquam rex Edwardus in regno fuit sublimatus, consilio baronum Angliæ, legem LXVII. annis sopitam excitavit, excitatam reparavit, reparatam decoravit, decoratam confirmavit, et confirmata vocata est lex sancti regis Edwardi; non quod ipse prius adinvenisset eam, sed cum pretermissa fuisset, et oblivioni penitus dedita, a morte avi sui regis Edgari, qui primus inventor ejus fuisse dicitur, usque ad sua tempora, videlicet LXVII. annis.

Unde per preceptum regis Willelmi, electi sunt de singulis totius Angliæ comitatibus XII. viri sapientiores, quibus jurejurando injunctum fuit, coram rege Willelmo, ut quoad possent, recto tramite, neque ad dextram neque ad sinistram declinantes, legum suarum et consuetudinum sancita patefacere, nil pretermittentes, nil addentes, nil prevaricando mittentes. Aldredus autem, Eborac archiepiscopus, qui regem Willelmum coronaverat, et Hugo, Londoñ episcopus, per preceptum regis, scripserunt, propriis manibus, omnia que predicti jurati dixerunt. A legibus namque sancte matris ecclesiæ sumentes

* *I. quid.* exordium, * qui per eam rex et regnum solidum subsistendi habent fundamentum, leges et libertates et pacem ipsius concionati sunt dicentes, omnis clericus, &c. ut supra. Chron. Lichf. MS. Cott. Cleop. D. 9.

Ingulphus.—Attuli eadem vice mecum Lundoniis in meum monasterium leges æquissimi regis Edwardi, quas dominus meus inclytus rex Willielmus autenticas esse, et perpetuas per totum regnum Angliæ ^ainviolabiliterque tenendas sub pœnis gravissimis proclamarat, et suis ^bjustitiariis commendarat, eodem

Unfortunately the Holkham text is incomplete, not reaching further than to the twenty-eighth chapter. Its deficiency could only be supplied from the printed text¹; though the real loss sustained is greatly diminished by the superiority of the Latin edition now given from a Harleian manuscript² over that printed by Wilkins from the Lichfield Chronicle.³

The Charter (Wil. IV. p. 495. of this volume), directing the separation of the civil and ecclesiastical courts, is here given, both on account of its intrinsic importance, and of reference made to it in the annotations to the Laws of Henry I. Had the design of continuing this work to a later period not been abandoned, it would have been reserved for the place to which it naturally belongs.

The Laws of Henry I. will, it is hoped, be found to exhibit a few corrections (chiefly from the Red Book of the Exchequer, which has been carefully collated for the purpose) whereby some difficulties have been removed, and the sense restored. Attention has also been directed to the reformation of the punctuation, and the subdivision into sections will necessarily tend greatly to facilitate citation from this code.⁴

idiomate quo editæ sunt; ne per ignorantiam contingat nos vel nostros aliquando, in nostrum grave periculum contraire et offendere ausu temerario regiam majestatem, ac in ejus censuras rigidissimas improvidum pedem ferre contentas sæpius in eisdem, hoc modo.

¹ The few conjectural readings in the margin having the signature *M.* are by M. Francisque Michel.

² Harl. No. 746.

³ Sir F. Palgrave has the merit of being the first to publish both the Holkham and Harleian texts. See *Origin and Progress*, Vol. 2. p. lxxxviii.

⁴ In this subdivision I have been anticipated by Dr. Schmid.

With respect to their substance, the laws ascribed to Henry I., but evidently the unauthorized compilation of an individual, are derived from various sources, most of which will be found specified in the notes of Somner and others subjoined to the text; but the portion chiefly valuable to us is that which has preserved many fragments of Anglo-Saxon Law, of which traces nowhere else are known to exist, either in original or translation.

Of the ecclesiastical monuments¹, the first in order of time, and perhaps in importance, as the prototype to later productions of the kind, is the Penitential of Theodore, Archbishop of Canterbury, from the year 668 to 690. This early and valuable monument of the church is here given for the first time from a manuscript in the library of Corpus Christi College, Cambridge; and, though other smaller pieces have been published under the name of Theodore², seems alone to have a just claim to that title, for of the numerous passages cited as Theodore's by other ancient writers, this will be found to contain the larger portion, and the few not there to be found may reasonably be regarded as extracts from such of Theodore's works as have perished, or what for us is nearly the same, still lie forgotten and unknown among other relics of by-gone ages, on the shelves of a foreign, if not of an English library.

Another manuscript of the Penitential in the same

¹ All ordinances proceeding from the king and 'Wítan-gemōt,' whether of a secular or ecclesiastical character, are considered as LAWS, and inserted in their places in the first part of the work. Those without such sanction, and of a nature strictly ecclesiastical, are placed among the MONUMENTA ECCLESIASTICA.

² See D'Achery Spicileg. Theodori Pœnitentiale a Jac. Petit. MS. Cott. Vesp. D. 15.

library, collations from which are given under the text, terminates with the pathetic, though not very poetic lines addressed by Theodore to his friend Hedde¹, which, if genuine, as I believe them to be, leave no pretext for a doubt as to the authenticity of the document; and even if not genuine, are of an antiquity to show that, at a very remote period, this work was regarded by the English church as the production of Archbishop Theodore.

The next monument to be considered is the Penitential, or rather, Confessional and Penitential, of Ecgberht, Archbishop of York, from 735 to 766.

This venerable document, though in no one of the manuscripts transmitted to us in its primitive Northumbrian garb, and bereft of nearly every pretension to originality by the publication of the Cambridge copies of Theodore, is, nevertheless, a most valuable monument, not alone of our old expressive and grammatical language, but as containing some passages of curiosity, chiefly with reference to the popular superstitions of the time. The references at the foot of each page will sufficiently show to whom its compiler was indebted for the greater part of his composition. In like manner, the similar references in the 'Modus Imponendi Pœnitentiam' will at a glance enable the reader to perceive, that the whole is an abridgment of Ecgberht, the work apparently of a bishop (perhaps Dunstan) very sensitive with regard to the infallibility of his order, if such an inference may be drawn from the circumstance, that, in laying down the penalties for crime to be paid by each class of the clergy, he carefully omits mention of the bishop, who, in the Penitentials of Theodore and his

¹ Bishop of Winchester, from 676 to 705. See vol. II. p. 62.

translator Ecgberht, is usually placed at the head of the list.¹

The remaining Ecclesiastical documents offer little matter for remark; and of the *VERSIO ANTIQUA*, with which the volume closes, it remains only to be said, that it is formed from a collation of very ancient manuscripts with the text given in Bromton, and is, generally speaking, a well-executed monument of, it may be presumed, the twelfth century. The accuracy with which, with the exception of a few passages, it generally expresses the sense of the original, forbids our assigning it to a later period, when pure Anglo-Saxon was become a dead language to the Normanized writers of England.

A *COMPENDIOUS* Glossary is given at the end of the work, to which I have for the most part consigned the little I had to offer in illustration of the text, in preference to placing it at the foot of the page. And here I cannot refrain from expressing deep regret, that the passages in the volume either wholly inexplicable, or of extremely doubtful import, are yet so numerous; but a partial illustration of them at least may yet be found in the original documents connected with the policy of our forefathers, now in a course of publication.²

THE Concordance, and the Indexes which close the work, will, no doubt, tend materially to facilitate

¹ For reasons, which will be manifest on perusal, it was deemed advisable to give a corrected Latin version of both these pieces in preference to an English one.

² *Codex Diplomaticus Ævi Saxonici*, opera Johannis M. Kemble, vols. i. ii. A work reflecting equal honour on its editor and the English Historical Society, under whose auspices it is brought forward.

its use to students, both by affording a synoptical view, arranged under distinct heads, of whatever matter of importance it contains, and also by rendering a collation of the Anglo-Saxon Laws with those of the Germanic nations of the continent a matter of comparative ease; thereby conducing to the promotion of a branch of study by no means useless even to the jurist, and indispensable to the historian of modern Europe.

A SHORT space must now be devoted to the memory of a good man and highly accomplished scholar, my lamented predecessor in this work, the late RICHARD PRICE, Esq., by whose labours my own have been considerably lightened, and who, had he been longer spared to his friends and country, would, no doubt, have raised another monument of his industry and learning in the work subsequently committed to the care of a less experienced successor.¹

Of the Laws, Mr. Price had committed nineteen sheets [of the folio edition] to press, extending to the beginning of those of Athelstan; besides which, four sheets, comprising the rest of Athelstan's laws, were already in type. His papers contained transcripts and collations from the several manuscripts of the Saxon Laws to the end of Cnut, with translations, some evidently prepared for the press, others in a less forward state. Of all these I have availed myself in the course of the work, and have carefully inserted every note left by Mr. Price, that tended in the least degree to the illustration of the text, leaving untouched the whole

¹ Mr. Price was the editor of an improved edition of Warton's *History of English Poetry*, in four volumes, 8vo; also of a valuable edition of *Blackstone's Commentaries* in four volumes, London, 1830; and of the *Saxon Chronicle* to the year 1066, contained in the first volume of the '*Materials for the History of Great Britain*,' not yet completed.

of those subjoined to the portion already printed, when the work devolved on me, with the sole exception of such as the substitution of a different reading rendered no longer applicable.

It was originally intended by the late Record Commission, under whose authority the publication was undertaken, that the work should be continued from the point where the printed portion of Mr. Price's labours terminated; but it was afterwards resolved, that the whole should be cancelled, and the work recommenced from the beginning. By this decision an uniformity of phraseology was secured in the translation, which could otherwise have scarcely been looked for.

From the performance of a melancholy duty, I turn to one of an opposite description—that of expressing my grateful acknowledgments to those who have aided me in the prosecution of my work. Of these, my first thanks are due to JOHN ALLEN, Esq., by whose counsel and suggestions I have profited from the commencement of the undertaking to its close, and to whose kindness I owe the valuable body of notes appended to the laws of Henry the First, as well as many portions of the Glossary, either suggested by him, or extracted from his works both printed and in manuscript.¹

TO THE EARL OF LEICESTER, my grateful thanks are due for the loan of his valuable manuscript, containing the French text of the Conqueror's laws; as

¹ Particularly the articles 'Bocland' and 'Folcland,' extracted from his 'Inquiry into the Rise and Growth of the Royal Prerogative in England,' a small volume, but in which is condensed a store of information relative to our Constitutional History, derived from original sources. The article 'Money' likewise owes much to the investigations of Mr. Allen.

well as to LORD HOLLAND, for his kind application to the noble owner of Holkham on my behalf; also to the Right Reverend the Bishop of Llandaff, Dean of St. Paul's, for access to the 'Liber Pilosus' preserved in the Chapter House of that Cathedral.

The Very Reverend Dr. LAMB, Dean of Bristol and Master of Corpus Christi College, Cambridge, has also a strong claim on my gratitude, for his readiness, on all occasions, in affording me every facility, consistent with the existing restrictions, in consulting the valuable collection of Saxon Manuscripts in the library of his college.

To HUDSON GURNEY, Esq., I offer my sincere acknowledgments for the loan of a valuable manuscript in his possession, from which the work has derived considerable benefit; also to CHARLES PURTON COOPER, Esq., Q.C., for his kindness in allowing me the free use of such printed works contained in his library as were needful to the prosecution of the undertaking.

MESSRS. EYRE AND SPOTTISWOODE, Her Majesty's Printers, have also a claim to my thanks, both for the promptitude with which they have conducted their portion of the undertaking, and for the obliging disposition constantly evinced by them from its beginning to its termination.

A COLLECTION of the Anglo-Saxon Laws was first published by William Lambarde, under the title 'APXAIONOMIA, sive de priscis Anglorum legibus libri, &c. Lond. 1568, 4to.' In this edition the laws of the Kentish kings, of William the Conqueror, and of Henry the First, are wanting. With regard to the manuscripts used by Lambarde, he gives the following account: 'Obtulit mihi superiori anno Laurentius Noelus priscas Anglorum leges, antiquissima Saxonum

lingua et litteris conscriptas, atque a me ut Latinas facerem, ac pervulgarem vehementer flagitavit.' He then goes on to say: 'Jam vero ne quis domi nostræ has natas esse leges arbitretur, plane suscipio atque profiteor, magna fide et religione ex vetustissimis (ut quæ ante quingentos annos, uti conjectura autumo, Saxonice depicta sunt litteris) exemplaribus fuisse desumptas, quorum pleraque in R. in Christo Patris, atque optime de antiquitate meriti, D. MATTHÆI, Cantuariensis Archiepiscopi bibliotheca, alia aliorum in librariis visenda supersunt.' Now what appears singular in this account is, that Lambarde's text exhibits, generally speaking, a specimen of language bordering on Semi-Saxon, rather than of pure Anglo-Saxon, and resembling no manuscript at present to be found among those bequeathed by Parker to the library of Corpus Christi College; and with regard to the locality of the other Manuscripts used by him, he leaves us in a state of perfect ignorance, not however to be regretted, as their manifest worthlessness, in comparison with the existing Manuscripts, reduces every question concerning them to one of pure curiosity.

A second edition of the *Archaionomia* was published at Cambridge in folio, in the year 1644. The editor was Abraham Whelock, Professor of Arabic in that University, who added to it the laws of William the Conqueror, those of Henry the First, the Canons of Edgar, and those of Ælfric. Of Whelock's merits as an editor it is now almost needless to speak; though, from its greater comprehensiveness, as well as from his corrections (not always happy ones) of Lambarde's stile, who in his version, or rather paraphrase, most absurdly affected the phraseology of the Twelve Tables, his work is by far preferable to that of his predecessor.

A more important work, at least in respect of its contents and improved text, is the edition of Wilkins, in folio, printed at London in the year 1721, under the following title: ‘Leges Anglo-Saxonicæ, Ecclesiasticæ et Civiles. Accedunt Leges Edwardi Latinæ, Gulielmi Conquestoris Gallo-Normannicæ, et Henrici I. Latinæ, &c. cum Codd. MSS. contulit, notas versionem et Glossarium adjecit David Wilkins, S.T.P. Canonicus Cantuariensis,’ &c. This edition contains the laws of the Kentish kings, Ethelbirht, Hlothhære and Eadric, and Wihtræd.

As a monument of industry, this edition is very creditable to Dr. Wilkins; at the same time it must, though reluctantly, be acknowledged by every one competent to judge, that, as a translator of Anglo-Saxon, he not unfrequently betrays an ignorance even of its first principles, that, though not unparalleled, is perfectly astounding.

The last edition of the Anglo-Saxon Laws is that of Dr. Schmid, published at Leipsig in 1832, under the following title: ‘Die Gesetze der Angelsachsen. In der Ursprache mit Uebersetzung und Eläuterungen herausgegeben von Dr. Reinhold Schmid, Professor der Rechte zu Jena. Erster Theil, den Text nebst Uebersetzung enthaltend,’ i. e. *The Laws of the Anglo-Saxons, in the original tongue, with a translation and illustrations, edited by Dr. Reinhold Schmid, Professor of Law at Jena. First part, containing the text and translation.* The second part has not yet appeared. This edition, considering that the editor had no access to manuscripts, is upon the whole a very creditable publication, decidedly superior to the preceding ones, the version being freed from the gross errors of Wilkins, and generally correct. In his conjectural emendations of the text, Dr. Schmid is not at all times

fortunate; and it is much to be regretted that he has paid so little attention to the Laws of Henry the First, where, without the help of manuscripts, he might have contributed to the restoration of the text, particularly with regard to the punctuation, which had been left untouched by Wilkins, as he found it in the slovenly edition of Whelock. Dr. Schmid has, however, divided the chapters of these laws into sections, whereby all references to them are greatly facilitated.

The Laws of Cnut, published under the following title, yet remain to be mentioned: ‘*Legum Regis Canuti Magni versio antiqua Latina, cum textu Anglo-Saxonico, cum variis lectionibus atque observationibus Jan. Laur. Andr. Kolderup Rosenvinger. Haun. 1826.*’ 4^{to}. The Saxon text of this edition is that of Wilkins, the Latin version, or rather paraphrase, is from a manuscript formerly in Colbert’s collection. It is accompanied by some excellent remarks of the learned editor.

SUCH then, as they appear in the following pages, were the Laws and Institutes of England, at the outset of her bright, though sometimes darkened course; what they would now have been, had Norman influence never had footing in the land, is a question difficult to answer, nor will the modern laws of the other Germanic nations supply us, by comparison, with the means of forming a plausible conjecture: the laws of imperial Rome having among them already in great measure supplanted their national institutes, at a period when those of the Anglo-Saxons still retained their Teutonic character, unimpaired by the calamities with which their empire had from time to time been assailed, and by which it was finally overthrown.¹

¹ Savigny, ii. p. 167. edit. 1834.

IN the wish, if not the hope that, like the Vercelli poetry, there may ere long be brought forth, from among the hidden stores of Europe, such records of our laws and history as may shed light on what is dark, and supply much that is wanting, I will close this brief introduction to a long-looked-for volume. At the same time, it must be confessed, that our present sources are yet far from being exhausted, but I fear that the text of holy writ is here applicable: *Ʒīcel nīp īr ȝ feapa pȝphcena*, ‘The harvest is great, but the labourers few.’¹

B. THORPE.

¹ Matt. ix. 37. Luc. x. 2.

LIST of MANUSCRIPTS and PRINTED BOOKS, referred to in the
Various Readings and Notes, under the letters of the
alphabet.

The Marks within braces () are those of the Old Catalogue of the Corpus
Christi mss., by which they are referred to in Wanley.

- | | | |
|-----------|---|--|
| <i>A.</i> | Harl. 55. | Folio. Not earlier than the 12th century; exhibiting the tongue in its decline; inferior to the other mss. of Cnut's laws. |
| <i>B.</i> | C.C. 383. (19. 2.) | Octavo. 10th century; well and accurately written. |
| <i>C.</i> | C.C. 265. (K. 2.) | Small Folio. 10th century; in various hands; formerly belonging to Worcester Cathedral. |
| <i>D.</i> | C.C. 201. (S. 18.) | Small Folio. Apparently of the middle of the 11th century. |
| <i>E.</i> | C.C. 173. (S. 11.) | Small Folio. Apparently of the early part of the 10th century. |
| <i>F.</i> | Cott. Nero, E. 1. | Folio. The portion containing Saxon laws of about the end of the 10th century. |
| <i>G.</i> | Cott. Nero, A. 1. | Octavo. Formerly belonging to Worcester; written at various times; the Saxon portion apparently in the beginning and middle of the 11th century. |
| <i>H.</i> | The Textus Roffensis, belonging to the Dean and Chapter of Rochester Cathedral. | |
| <i>K.</i> | { | { |
| | Cott. Claud. A. 3. | Quarto. Of about the period of the Conquest (containing the Council of Enham). |
| | Cott. Claud. D. 2. | Folio. Of the 14th century. |
| <i>L.</i> | In private hands. | Folio. Of the 13th century. |
| <i>M.</i> | Macro ms. | Octavo. Belonging to Hudson Gurney, Esq.; from the collection of Dr. Cox Macro; well written, apparently about the end of the 13th century. |
| <i>N.</i> | Cott. Tib. A. 3. | Folio. The portions printed in the present volume written apparently about the period of the Conquest. |

- O.* C.C. 190. (L. XII.) Small Folio. Said to have been given to Exeter Cathedral by Bishop Leofric.
- P.* Theodori Sanctissimi ac Doctissimi Archiepiscopi Cantuariensis Pœnitentiale, omnibus quæ reperiri potuerunt ejusdem Capitulis adauctum, &c. Jacobus Petit primus in lucem edidit, &c. Lut. Paris. 1679. 4to. 2 tom.
- Q.* Cott. Vesp. D. 15. A very ancient ms. in most barbarous Latin, and extremely incorrect.
- R.* Reg. 11. B. 2. Apparently of the latter part of the 12th century.
- S.* Harl. 746. Folio. Of about the beginning of the 14th century.
- T.* Cott. Tib. A. 27. Octavo. Of the 13th century; containing perhaps the best text extant of the old Latin version of the Saxon laws.
- X.* Bodl. Junius, 121. Large Octavo. Of the 10th century; a fine ms.
- Y.* Bodl. Laud, F. 17. A small narrow volume of the 11th century.
- Z.* Cott. Vitell. A. 12. Of the latter portion of the 11th century.
- Br.* Bromton in Decem Scriptores.
- Bx.* ms. belonging to the 'Bibliothèque des Ducs de Bourgogne,' at Brussels; apparently of the latter part of the 10th or beginning of the 11th century.
- Hk.* Holkham ms. Apparently of the 13th century.
- Hr.M.* Rhabani Mauri Liber Pœnitentialis, apud Canisii Lectiones Antiquas, tomi II. pars II. Antverpiæ, 1725. Folio.
- Reg.* Reginonis de Ecclesiasticis Disciplinis, Libri II. a Steph. Baluzio.
- Ry.* Rymeri Fœdera.
- Sc.* Liber Rubeus Scaccarii.
- Sp.* Spelmanni Glossarium.

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THE ANGLO-SAXON LAWS.

ÆDELBIÐTES DOÐAS.

IS SYNDON ÐA DOÐAS ÐE ^aÆDELBIÐT EYNINĠ
ÆSETTE ON ÆLUSTINUS DÆLE.

I. Godeſ feoh. ʒ cipecean ^b·xii· ʒýlde. Biſcoper feoh ·xi· ʒýlde. Pſeoſter feoh ·ix· ʒýlde. Diaconer feoh ·vi· ʒýlde. Clepoceſ feoh ·iii· ʒýlde. ^c Eýſuc-ſſuð ·ii· ʒýlde. ^d Ð ſſuð ·ii· ʒýlde:

II. Liſ cýning hſ ^e leode to him ʒehateð. ʒ heom mon þær ýſel ʒeðo ·ii· ^f bóte. ʒ cýninge ·L· ^g ſcillinga:

^a ÆTHELBIRHT, king of Kent, fourth in succession after Hengist, was baptized by Augustine in the year 597, and died, according to Beda, after a reign of 56 years, on the 24th of February 616. *Hist. Eccles.* ii. 5. The laws of Æthelbirht, as well as those of the other Kentish kings, are taken from the *Textus Roffensis*, the only ancient ms. in which they are found. In this copy, which is of the twelfth century, each series is written continuously; the several laws being distinguished, though not always accurately, by a large initial letter. The numbers prefixed to the different laws are from the edition published by Hickes in his *Thesaurus*, and were probably added by J. a Laet; for the convenience of reference which they afford, they are here retained.

^b There is no verb in this law to fix the sense; but we learn from Beda that it is to be understood of the property of the church when stolen: ‘Defunctus vero est Rex Aedilberct . . . qui inter cætera bona, quæ genti suæ consulendo conferebat, etiam decreta illi iudiciorum, juxta exempla Romanorum, cum consilio sapientium constituit; quæ conscripta Anglorum sermone hactenus habentur et observantur ab ea: in quibus primitus posuit, qualiter id emendare deberet, qui aliquid rerum vel Ecclesiæ vel Episcopi, vel reliquorum ordinum furto auferret; volens scilicet tuitionem eis, quos et quorum doctrinam susceperat, præstare.’ *Hist. Eccl.* ii. 5. [Fopſýlde seems to be understood, see c. 4, where it is expressed.—*T.*]

^c The Church-frith is what in the later documents is called the Church-grith, or right of sanctuary and protection given to those

THE ANGLO-SAXON LAWS.

THE LAWS OF KING ÆTHELBIRHT.

THESE ARE THE DOOMS WHICH KING *ÆTHELBIRHT ESTABLISHED IN THE DAYS OF AUGUSTINE.

1. The property of God and of the church, ^btwelve-fold; a bishop's property, eleven-fold; a priest's property, nine-fold; a deacon's property, six-fold; a clerk's property, three-fold; ^c 'church-frith,' two-fold; ^d 'm frith,' two-fold.

2. If the king calls his ^e 'leod' to him, and any one there do them evil, [let him compensate with] a two-fold ^f 'bōt,' and L. ^g shillings to the king.

within its precincts. By the present law, any infraction of this privilege subjected the offender to a two-fold penalty, or twice the amount of the fine payable for an invasion of the ordinary frith, or what in modern times has been termed a breach of the peace.

^d Wilkins reads *Ōynŕceper fpið*; but in the ms. there is not space for so long a word: it may however have been contracted.

^e I have been unable to discover whether this meant a particular class of persons, such as the Leudes of France: or whether it is used in the ordinary sense of 'people.' In Anglo-Saxon poetry, 'leob' frequently occurs for chieftain, prince, &c. [Perhaps people, subjects.—*T.*]

^f Wherever the term 'bote' occurs, it is to be understood of the compensation due to the injured party, as damages for the wrong sustained. This, as in cc. 4, 5, 10, 11, 12, may be due to the king in his personal or private capacity, as well as to others. The penalty due to the crown by way of fine was called the wite (see c. 9.). Both forfeitures are thus spoken of by Tacitus: 'Pars mulctæ regi vel civitati, pars ipsi, qui vindicatur, vel propinquis ejus exsolvitur.' *Germ.* c. 12.

^g The value of the Kentish shilling is altogether a matter of inference. According to cc. 69, 70, 71, of these dooms, compared with cc. 53, 54, the shilling contained xx. scættas, and from a passage which will be found in another part of this volume, as a portion of the Mercian law, we learn that thirty thousand scættas were equal to one hundred and twenty pounds of silver: 'Ðonne bið cýnger anfealb

iii. Líf cýning æt mannes ^a ham ðruncæð. 7 þær man
^b lýrræf hræt geðo .ii.-bote gebete:.

iv. Líf frugman cýninge rtele .ix. gýlde forgyldre:.

v. Líf in cýninge ^ctúne man mannan ofrlea .l. rcill.
 gebete:.

vi. Líf man frugne mannan ofrleahð. cýninge .l. rcill. to
^d ðruihtin-beage:.

vii. Líf cýninge ^eambiht-rymð. ofþe laað-þunc mannan
 ofrleahð. ^fmeduman ^gleodgelde forgyelde:.

per-geld vi. þegna per be Mýrcna laze, þæt is xxx. þugenð rceatta,
 and þæt bið ealler cxx. punba.' Hence, according to Mercian law,
 'a king's simple wer-gild is equal to the were of six thanes, that is,
 thirty thousand scættis, which make one hundred and twenty pounds.'
 By this it would appear that the pound contained 250 scættis, or 12½
 shillings, which would make the scætt nearly equal to the penny, and
 the shilling something less than an ounce of silver.

By Alfred this term is used on one occasion as a translation of
 the Latin *monasterium*: 'Lræð he Beba, me ræbe rum appurðe
 mærrer-þreort 7 abbud of Peortanea þam ham . . . narravit mihi
 presbyter et abbas quidam vir veracissimus de monasterio Peortanea.'
Bed. ii. 16. In another passage it is applied in a far more extended
 sense; 'berpð hī hamum ofþe tunum mīð hīr þegnum . . . inter
 civitates sive villas suas cum ministris.' *B.* But here it seems to be
 equivalent to the 'curtis' of the Barbaric laws; the 'hof,' 'huwe,' of
 Upper and Lower Saxony. In Old-Frisic, 'ham' meant either the
 hof, or house and land conjointly, or the house itself. The terms
 hof, huwe, hūp, ham, and hibe, are clearly synonymous; but it would
 be difficult to find any expressions now in use which would convey
 the sense of either.

^b The same term occurs below (c. 72.), with a slightly-varied
 orthography. It is there written 'lærpær'; but in Anglo-Saxon ē,
 ēa, ȝ, are interchangeable. The meaning must be left to the read-
 er's conjecture. The root may be either 'lear, false,' and then it
 may denote those offences which come under the comprehensive title
 of the 'crimen falsi'; or it may be the same word with læso, læseper,
 (lærper,) which being derived from 'lejan,' to lease, might be inter-
 preted 'pilfering.' [*qu. lying?—T.*] In the *Lex Anglorum et*
Werinorum, tit. xii. 'De minoribus caussis,' there is a provision of
 the same general nature: 'Quidquid homo alteri fecerit, quod in-
 justum factum dicatur, x. solidis componat, aut cum quinque juret.'
 This, though offering one obscurity in illustration of another, may
 guide a more fortunate enquirer to the solution of both laws.—
 [The cognate adjective occurs in the metrical legend of St. Andrew,
 in the following passage: 'Æfter þam þorþum com. þerob unmræte.
 lýrpe lap-rymeoðar. mīð līnð-gecpebe. bolgen mōbe.' See Appendix B.
 to Mr. Cooper's Report, p. 77. Somner has lýrpen, from the 'Liber
 Medicinalis,' where it is said (in the case of a diseased liver) that,
 'Donne je rpile toðýrrer þonne bið reo mæge lýrpen rpile þorþm-
 ȝif he ūt-ýpnð þonne biþ þ̅ ȝap lærre: Quando tumor diruptus
 fuerit, tunc urina lýrpen erit, sicut pus, vel corruptio; fortasse sani-
 osus, purulentus.' *ms. Reg. 12. dxvii. fol. 74^b.—T.*]

3. If the king drink at any one's ^a home, and any one there do any ^b 'lyswe,' let him make two-fold 'bōt.'

4. If a freeman steal from the king, let him pay nine-fold.

5. If a man slay another in the king's ^c 'tūn,' let him make 'bōt' with L. shillings.

6. If any one slay a freeman, L. shillings to the king, as ^d 'drihtin-beah.'

7. If the king's ^e 'ambiht-smith,' or 'laad-rinc,' slay a man, let him pay a ^f half ^g 'leod-geld.'

^c In the Northern parts of this island this term is not altogether obsolete in its original sense; at least, it is not many years since 'in Scotland a single house was called a town; in Ireland it is still called a township. The nature of such a settlement is thus described by Tacitus: 'Vicos locant non in nostrum morem, connexis et cohærentibus ædificiis: suam quisque domum spatio circumdat.' *Germ.* c. 16. The economy of a royal vill, in even its minutest particulars, will be found in the *Capitulare de Villis* of Charlemagne.

^d Literally as a lord ring. In the later dooms this fine is called the man-bote (See *Edw. Conf.* 12.), whether paid to the king or a subject.

^e I have translated this law in the only way the present text admits of translation, though it is difficult to understand why the king's smith (or carpenter) or his guide should pay a mesne leod-geld (100s.) for slaying a ceorl, or why, if they chanced to slay an eorl, the amount of the mulct (300s. *Conf. Hl. et E.* 1.) should be reduced in a similar proportion. This difficulty would vanish by reading, *ḡif* [man] *cýnīnȝer ambiht-ŕmīð oppe laad-ŕinc-mannan ofpleahð*, &c. If any one slay the king's official smith or guide, let him pay a mesne leod-geld. All the Barbaric codes supply us with instances where the 'ministeriales' of the crown, who were generally taken from the servile classes, have an increased 'wer' conferred upon them; but I have sought in vain for an example where the 'were' is fixed, as on the present occasion, for men of all degrees, and in favour of persons holding particular offices. The wer-geld was the property of a man's family. There might be grace in increasing it, but to lessen its amount in behalf of any class of men would be little short of giving encouragement to the commission of the very crime against which the law is directed. Indeed such a principle is in opposition to the whole body of Germanic jurisprudence, in which the 'wer,' and the duties connected with it, may be said to be the corner-stone of the fabric. Perhaps an objection may be taken to laad-rinc-man, on the score of tautology; but 'rinc' and 'man' are only synonymous in poetry. The precise meaning of the term is perhaps beyond our reach, but 'guide' or 'avant-courier' are approximations justified by the component parts. The *ambiht-ŕmīð* seems the 'præfectus fabrorum.' *Ambaht-bus*, 'Officina.' *Jun. Gl. D.*

^f [In the ms. the two first letters and part of the *ð* are obliterated — *T.*]

^g The 'leod-geld,' or, as it is called, c. 31, the 'wer-geld,' was the sum paid to the family of a man who had been slain, as a compensation for the death of their kinsman. In the Latin documents these

viii. Lýningeſ ^amund-býrð .l. ſcillinga:

ix. Líf ſſuſman ^bſneum ſtelð .iii. gebete. ʒ cýning aʒe ʒ
^cſiſte ʒ ealle þa æhtan:

x. Líf man rið cýningeſ ^dmæzðen-man ʒeliʒeð .l. ſcillinga
gebete:

xi. Líf hio ʒrundenðe þeopa ſio .xxv. ſcillinga gebete. Ðio
þridda .xii. ſcillingaſ:

xii. Lýningeſ ^eſeð-eſl .xx. ſcillinga ſorʒelðe:

xiii. Líf on eoſleſ túne man mannan ofſlæhð .xii. ſcill.
gebete:

xiv. Líf rið eoſleſ ^fbíele man ʒeliʒeð .xii. ſcill. gebete:

xv. Leoſleſ mund-býrð .vi. ſcillingaſ:

xvi. Líf, rið eoſleſ bíſelan man ʒeliʒeð .vi. ſcillingum
gebete. æt þære oðere þeopan .l. ^gſcætta. æt þære þriddan
.xxx. ſcætta:

xvii. Líf man in manneſ tûn æneſt ^hʒeiſneð .vi. ſcillingum
gebete. ſeſe æfteſ iſneð .iii. ſcillingaſ. ſiþþan ʒehſýlc ſcill-
ling:

xviii. Líf man mannan þæpnum bebýneð þæſ ⁱcear þeoſð.
ʒ man næniʒ ýſel ne ʒeðeð .vi. ſcillingum gebete:

terms are usually translated, 'compositio, solutio, hominis occisi ; from leob, *ſep*, 'homo, vir ;' and *ʒelb*, 'retributio.' See hereafter 'Be *ſep*-ʒýlbe.'

^a Protection : but the fine here imposed is for an infraction of the *mund-byrd*, or what in the later dooms is called '*mund-bryce*.' Under this head are to be classed the penalties spoken of in cc. 2, 6.

^b This can hardly be considered as the dative plural of *ſpea*, 'dominus,' or *ſpeo*, 'mulier,' because the laws never speak of crimes as committed by or against multitudes. A very obvious correction presents itself in *ſneum* [men.] 'If a freeman steal from a freeman, let the bote be three-fold.' From a passage in Alfred's version of the Jewish law it would seem that the adjective *fríoh*, *freoh*, was sometimes used absolutely or with a substantive sense : '*Seþe ſſpone* (*ſſeonne* ms. *H.*) *ſorþtele*,' &c. : 'Whoever steals a freeman,' &c., c. 15. Still, for the reason already given, that can hardly be the case here. Most of the Barbaric codes afford instances where the ancient fines are in like manner tripled, quadrupled, &c.

^c See note ^f, p. 3 : the ordinary meaning of the word is punishment.

^d It is clear from the context that the person here spoken of was of the servile classes. The Salic law notices a '*regis ancilla*' (tit. 27.), and the Ripuarian law an '*ancilla regia*' (tit. 58. § 9. 14.), but without giving us any further knowledge of their duties. From

8. The king's ^a 'mund-byrd,' L. shillings.
9. If a freeman steal from a ^bfreeman, let him make three-fold 'bōt;' and let the king have the 'wite' and all the chattels.
10. If a man lie with the king's ^dmaiden, let him pay a 'bōt' of L. shillings.
11. If she be a grinding slave, let him pay a 'bōt' of xxv. shillings. The third [class] xii. shillings.
12. Let the king's ^c 'fed-esl' be paid for with xx. shillings.
13. If a man slay another in an 'eorl's' ^e 'tūn,' let make 'bōt' with xii. shillings.
14. If a man lie with an 'eorl's' ^f 'birele,' let him make 'bōt' with xii. shillings.
15. A 'ceorl's' 'mund-byrd,' vi. shillings.
16. If a man lie with a 'ceorl's' 'birele,' let him make 'bōt' with vi. shillings; with a slave of the second [class], L. ^g 'scætts;' with one of the third, xxx. 'scætts.'
17. If any one be the first ^h to make an inroad into a man's 'tūn,' let him make 'bōt' with vi. shillings; let him who follows, with iii. shillings; after, each, a shilling.
18. If a man furnish weapons to another where there is 'strife, though no evil be done, let him make 'bōt' with vi. shillings.

cc. 14, 16. it might be inferred that the mægden-man was a cup-bearer, if such an office in the royal household could be supposed to have been conferred on a female. In Beowulf the mead is distributed by females, but then they are royal personages.

^c There can be no doubt that this word is derived from fēban, 'nutrire;' but whether the woman were the person fed or the feeder, i. e. a nurse, is not so clear.

^f A female cup-bearer; but we ought to read 'bipelan.'

^g It has been already stated, on the authority of a passage in the Mercian law, that there were 250 scætts in a pound of silver. An examination of those which remain gives an average of from 15 to 18 or 19 grains of silver, though some have been found to contain 20 grains. *Ruding's Annals of the Coinage*, vol. i. p. 296.

^h The power of 'ge' in composition can only be gathered from the context in these early specimens of the Anglo-Saxon language; and though the translation adopts the import of the simple verb, it is evident that a forcible entry of some kind is here intended.—[It must, however, be borne in mind, that the only ms. in which these Laws are extant is of the 12th century.—*T.*]

ⁱ Such, and not ceap, is the reading of the ms. It is the old Frisic 'case:' 'Hwersama gold ieftha ferene clathar urluist anna enre case, &c. In case a man lose gold or his holiday-clothes in a quarrel.' *Lit. Brocm.* § 158.

xix. Líf ^aweg-reaþ ʒi ʒeððn .vi. ʒcillingum ʒebete:.

xx. Líf man þone man ofrlæhð .xx. ʒcillingum ʒebete:.

xxi. Líf ^bman mannan ofrlæhð. meðume leod-ʒeld .c. ʒcillinga ʒebete:.

xxii. Líf man mannan ofrlæhð ^cæt openum ʒræfe .xx. ʒcillinga ʒorʒelde. ʒ in .xl. nihta ealne leod ʒorʒelde:.

xxiii. Líf bana of lande ʒepiteð. þa maʒaʒ healfne leod ʒorʒelden:.

xxiv. Líf man ʒʒugne man ʒebi ^d. .eð .xx. ʒcill. ʒebete:.

xxv. Líf man ceoplae ʒhlaþ-ætæn ofrlæhð .vi. ʒcillingum ʒebete:.

xxvi. Líf læt ^eofrlæhð þone ʒeleʒtan .Lxxx. ʒcill. ʒorʒelde. ʒiþ þane oðerne ofrlæhð .Lx. ʒcillingum ʒorʒelde. þane þʒuð-
* l. ʒorʒelbe. dan .xl. ʒcillingum * ʒorʒelden:.

xxvii. Líf ʒʒuman ^feðor-þʒecðe ʒeðeð .vi. ʒcillingum ʒebete:.

^a This appears to have been a similar offence with the Longobardic 'weg-worfe' (*Ed. Rotharis*, c. 26.), and perhaps the later 'fore-steal,' when this was attended with robbery. It might be termed a highway robbery, were it not that this offence has acquired a technical sense which can hardly have been required to make out a case of weg-reaþ. With this law it is conceived the succeeding one ought to be connected, and that their object is to declare, that for simple weg-reaþ the fine should be 6s., but for weg-reaþ attended by homicide, 20s., in addition to the 'leod-geld,' &c.

^b That is, if one freeman (ingenuus) kill another.

^c One of the provisions of the *Literæ Brocmannorum* is to this effect: 'Thes data friund schellath then bona makia wr thet epene gref: The friends of the dead shall denounce the perpetrator over the open grave.' § 178, note. The same practice is also noticed in the *Emsingoer Land-Recht*: 'Ac ieffhia then riuchta bona nawt ne withat onda boniath hine nawt wr thet epene greff. Also, if they know not the right slayer, and do not denounce him as the murderer over the open grave.' With one of these customs the law before us appears to be connected, and it will be almost needless to remark, that in the turbulent times for which these provisions were enacted, both must have given occasion for frequent affrays.—[This law has been otherwise understood by some eminent scholars, with whose opinion I once coincided, but I now feel convinced that the above interpretation of Mr. Price is correct. As a prospective enactment, the sense in which it has been taken, viz., 'If a man slay another, let him pay 20 shillings at the open grave,' has certainly an appearance of plausibility; but in considering it (as most of these *dooms*, perhaps, ought to be considered) to be an adjudged, and not a contem-

19. If ^a 'weg-reaf' be done, let him make 'bōt' with vi. shillings.

20. If the man be slain, let him make 'bōt' with xx. shillings.

21. If ^b a man slay another, let him make 'bōt' with a half 'leod-geld' of c. shillings.

22. If a man slay another 'at an open grave, let him pay xx. shillings, and pay the whole 'leod' within xl. days.

23. If the slayer retire from the land, let his kindred pay a half 'leod.'

24. If any one ^d bind a freeman, let him make 'bōt' with xx. shillings.

25. If any one slay a 'ceorl's' ^e 'hlaf-æta,' let him make 'bōt' with vi. shillings.

26. If ^f [any one] slay a 'læt' of the highest class, let him pay lxxx. shillings; if he slay one of the second, let him pay lx. shillings; of the third, let him pay xl. shillings.

27. If a freeman commit ^g 'edor'-breach, let him make 'bōt' with vi. shillings.

plated, case, all objection to the present version seems removed; the verbal order of the Saxon text would moreover hardly admit of the other interpretation.—*T.*]

^d These are the only letters of this word which can now be distinguished; the translation adopts the conjecture of Wilkins.

^e Literally the 'loaf-eater,' and consequently a domestic or menial servant.

^f [The word 'man,' both here and in the following clause, is understood from c. 25, of which c. 26. seems to be a continuation.—*T.*]

^g It is clear, from the laws of Alfred, c. 36, that edorbryce was the same offence against a ceorl that burhbryce was against a person of higher rank. It cannot therefore mean a mere breaking of his 'close,' but a breaking coupled with a forcible entry into his place of residence. It is true the old Latin version of Alfred's laws renders edor-bryce 'sepis-fractio,' making edor equivalent to the ederzon and ezzisczun of the Longobardic and Bavarian laws. 'Si quis sepem alienam ruperit, id est ederzon, componat solidos vi.' *Ed. Rotharis*, c. 290. 'Si illam sepem eruperit quam ezzisczun vocant,' &c. 'Superiorem virgam quam etorgasta vocamus quæ sepis continet firmitatem,' &c. *LL. Bajuvar.* tit. ix. c. 11. Thus, too, at the present day, in some provinces of Germany, the eder-zaun is the hedge which encloses a peasant's 'hof.' (Die eder-zuynen buwlich halden ind niet vergenchlich laissen werden. To keep the fences in repair, and not suffer them to be in decay. *Doc. an.* 1359, *apud Walraff Alt-Deutsche Wörter-Buch.*) The edter-zehend are the tithes of fruits, vegetables, and indeed of every thing growing within the limits of the garden hedge or wall; and eddert-bruch, the ebop-bpæcde of the text, is an injury done to the landmark or boundaries of an estate or a

xxviii. Líf man inne feoh zenimeð. ƿe man .iiii. zelbe
gebete^a:

xxix. Líf ƿu-man eðor^b zeganæð .iv. ƿeillingum gebete:

xxx. Líf man mannan ofſlea. ^cazene ƿcætte. ƿ unƿacne feo
zehpilce zelbe:

xxxi. Líf ƿuman ƿið ƿuier mannes ƿiƿ zeligeð. hiƿ ƿer-zelbe
^dabicege. ƿ oðer ƿiƿ hiƿ azenum ƿcætte ^ebegeþe. ƿ þam oðrum
æt * þam zehþenge:

* l. ham.

municipal territory. Still I conceive that 'edor,' like 'tun,' implied the area inclosed by the fence, as well as the fence itself; and that a ceorl's 'edor' comprized not only his curtilage but also the house attached to it. This seems confirmed by the expression 'inne feoh' in the succeeding law; and which, judging from the analogy of the Dutch inboel, the Flemish in-gedoem, and the Frisic ingod, ingoed, must mean the goods and furniture contained in a dwelling-house. From the language of c. 30, it may be inferred that cc. 27, 28, 29, 30, form only one enactment, and are to be thus understood: If a free-man commit 'edor-breach,' and steal 'inne-feoh,' or if he forcibly enter an 'edor,' and slay, in so doing, a man, let him pay for each offence, according to their nature, with his own money, &c.

^a [I differ from Mr. Price in the interpretation of this enactment: he had considered 'inne feoh' as a compound expression, and thus rendered it, 'If a man take away 'inne-feoh,' let the man pay a three-fold bote.' In the Saxon Gospels we have the following passage in support of my version, 'Ðe ƿoþlet þa ƿa menizeo ƿ com to hiƿ inne: He then left the multitude and came to his dwelling.' Matt. xiii. 36. —T.]

^b The compound 'zegan' is almost invariably used in the sense of going against with a hostile intent; hence, to subdue, to overcome. From the succeeding law it is clear that the offence spoken of in the text was sometimes attended by loss of life on the part of the person whose property was thus invaded.

^c Azene ƿcætte is a false concord; and a similar objection lies against unƿacne and zehpilce. The better reading would be, azene (for azenne) ƿcæt and unƿacn feo zehpilc zelbe. By unƿacn feo I understand what in Alfred's dooms is called ƿic-eaht feo zob. 'Anð ðæt ƿ on ƿiceahtum feo zobum and man nænigne mæn on ðæt ne ƿýlle: And let it be paid for in good live stock, in which let there be no blemish.' There is a seeming difficulty in the expression 'azene ƿcæt, his own money,' occasioned by that precision of ancient composition which sometimes runs into redundancy and sometimes amounts to tautology. It is also found in an ancient charter preserved at Canterbury, dated 1044, but which has been reduced to the dialect of the period, (circa 1300,) when it was recorded in the volume which has made us acquainted with it: 'Hyer suotelet on thisen ywrite embe tho vorewerde the Ethelrich wrogte with Edsige Archebiscop at thanlonde at Chert the Chelnoth Archebiscop bogte at Helethen than theyne mid his ogene sheatte and Etheluf King hit ybokode Ceolnoth archebiscope on eche yrve: In this deed is witnessed the covenant which Ethelric made with Archbishop Edsig,

28. If any one take property from a dwelling, let him pay a three-fold 'bōt'.^a

29. If a freeman 'pass over an 'edor,' let him make 'bōt' with iv. shillings.

30. If a man slay another, let him pay 'with his own money, and with any sound property whatever.

31. If a freeman lie with a freeman's wife, 'let him pay for it with his 'wer-geld,' and 'provide another wife with his own money, and bring her to the other.

concerning the land at Chert, (and) which Archbishop Chelnoth bought of Heletha the thane with his own money, and (which) King Ethelwulf granted (booked) to Archbishop Ceolnoth in fee for ever.' — 'Donatio Ethelrici Bigge de manerio de Chert, Stuting et Meletune, Anno Domini millesimo quadragesimo quarto.' *ms. Eccl. Christi Cant. Liber A. f. 153*. From the 'Evidences,' at the close of Thorn's Chronicle, it would seem that the original grant contained the same words: 'Anno Dominicæ incarnationis dccc.xxix. Ego Ceolnothus gratia Dei archiepiscopus Doroberniæ comparavi 'propria pecunia,' terram nomine Cert, a quodam principe dicto Heleth, consensu Athulfi regis qui eandem terram liberam proclamavit ab omni seculari servitio et regio tributo, exceptis expeditione, pontis et arcis constructione.' *Ap. x. Scriptores*, col. 2218, l. 16. A very similar form of expression is found in the old Swedish Law: 'Böta af sina enskyldu: de proprio multam pendere.' *Upl. L. Jord. B. c. 16*. 'Af sins enskyllum penningum: de propria pecunia.' *Suderm. L. Arfd. B. c. 5*. *Ilhre*, in voce. In the Capitulare de Villis, c. iv. there is a phrase in the disjunctive coming very near to our present text: 'Et quod pro fraude dederint ad opus nostrum veniat; id est, *in peculio aut in alio precio*.' [I regret that I cannot concur with my late respected predecessor, either in his grammatical strictures upon the text of this law, or in the emendations proposed, or in his interpretation, viz., 'If a man (so doing) kill another, let him pay for each (offence) with his own money, and in cattle without blemish.' Unfæcƿen feoh may probably be synonymous with clæne feoh, as in the Saxon inscription from the Codex Aureus at Stockholm: 'ƿe beƿetcan ƿaƿ bæc mið unƿne clæne feō. ƿ̅ ƿoñ. ƿæƿ mið clæne ƿolbe.' See Rask's *A. S. Gr.* p. 208.—*T.*]

^a I have given this term the import it usually bears in Anglo-Saxon composition; but as it is clearly the source of the Old-English 'aby,' to suffer, such may be its meaning here. The difference however is so slight, as perhaps to be hardly worth notice.

^c The practice here referred to, of purchasing the bride, will be illustrated below in the notes to the Kentish customal respecting marriage forms, usually printed as a part of the laws of Edmund. It is thus alluded to in Theodoric's letter to Hermanfrid, king of Thuringen: 'Quapropter salutantes vos gratia competentis, indicamus nos venientibus legatis vestris impretiabilis quidem rei, sed *more gentium* suscepisse pretia destinata, equos argenteo colore vestitos, quales decuit esse nuptiales.' *Bouquet*, iv. p. 8. *Conf. Tacitus, Germ.* c. 18. For 'æt þam' we should in all probability read 'æt ham,' at home.

xxxii. Líf man ^ariht ham-rcýlb þurhrtinð. mid peorðe
forþgelde:

xxxiii. Líf ^breax-fang geþeorð .l. rcætta to bote:

xxxiv. Líf baner blice þeorðeð .iii. rcillingum gebete:

xxxv. Líf baner ^cbite þeorð .iv. rcillingum gebete:

xxxvi. Líf rio uterpe ^dhion gebrocen þeorðeð .x. rcillingum
gebete:

^a The difficulties in this law do not merely lie in the obscure term 'ham-rcýlb,' but in the double doubt whether 'riht' can possibly mean 'right' as opposed to 'left;' and again, whether an injury done to the right ham-rcýlb should alone be visited with a fine. With respect to ham-rcýlb, (if it be one word, and the present text be correct,) it is clear from the context that it means something of changeable value, as any injury it sustained was to be paid for according to its worth. In Anglo-Saxon, 'ham' implied 'cutis, camisia, tegmen,' in short, any kind of covering ['hama' rather; I am not aware of 'ham' having this signification in A.S.—T.]; and rcýlb any kind of defence or protection; whence ham-rcýlb would be a legitimate compound for any sort of garment, as in an old German glossary we find 'scapulare' rendered hals-ueri (*Jun. Gl. C.*), terms which, taken separately, are equivalent to the Anglo-Saxon hal and rcýlb. Thus, too, in the Guta-Laga, we have lic-vara (lic-rcýlb, Anglo-Saxon,) or body-shield, used as a general name for several parts of a man's dress: 'Ða en torfa ier manni af haufþi haggvin, þa ir byt at marc silfs. Skämir þa clepi mannz þa byt ifir clept at oyri, kurtill at tueim ogrum, licvara at atta ertaugum oc giert alt hait clepi mannz oc iemguþ sum þet für war. Licvara callar sere oc scyrtu. Broc oc hatt mannz þaun iru all iemdyr huert þaira sum scaimt verþr.' C. xix. 56, 57. 'If the skin, with the hair, be hewed off from the head, the bote is one mark of silver. If thou injure any man's clothes, pay for the upper garments one ore, for the coat two ores, for the licvara (shirt) eight oer-tugs; and make the clothes whole again and equally good as they were before. The sark (shift) and shirt, the breeches and hat of a man, are called licvara (and) they are equally dear (*i.e.* the bote is equally high) when they are injured.' There is a sufficient analogy between the component parts of ham-rcýlb and lic-vara to justify an inference, that in these kindred dialects both terms may have imported the same thing; but there is a remarkable passage in the *Lex Saxonum* which, when confronted with cc. 32 and 33 of the present text, has induced me to believe that we must still have recourse to conjectural criticism in removing our difficulties. 1. 6. 'Si gladio *vestem* seu *scutum* alterius incideret, xxxvi. solidos componat vel tertia manu juret. 7. Si per capillos alium comprehenderit, cxx. sol. componat vel undecima manu juret.' In the first of these provisions we have the ham [*r. hama. —T.*] (*vestem*) and rcýlb (*scutum*) of our present text, c. 32, and it is immediately followed by the reax-fang of c. 33. Why may we not read, Líf man [on un]riht ham [oþþe] rcýlb þurhrtinð: Si quis injuste *vestem* seu *scutum* perforaverit? A similar disposition

32. If any one thrust through the ^a‘riht ham-scyld,’ let him adequately compensate.

33. If there be ^b‘feax-fang,’ let there be L. sceatts for ‘bōt.’

34. If there be an exposure of the bone, let ‘bōt’ be made with III. shillings.

35. If there be an ‘injury of the bone, let ‘bōt’ be made with IV. shillings.

36. If the outer ^d‘hion’ be broken, let ‘bōt’ be made with X. shillings.

of offences is to be met with in the Bishop of Roskeld’s code for Copenhagen, An. 1294:—‘Item qui alteri dederit alapam vel *traxerit per crines*, seu turpiter receperit per nasum, vel aures, vel genas, vel *vestes ejus laniaverit* manibus, *gladio vel cultello*,’ &c. C. 61. [Riht ham-rylb I imagine to signify the right shoulder-blade, an injury to which is naturally more serious than one inflicted on the left. Ham is apparently the M. G. a m s, *humerus*, and a blade-bone (of a hog at least) is, I believe, in some parts of England still called a *shield*. Mr. Price’s observation with regard to its varying in value seems founded upon a misconception of the phrase mib peopðe, which certainly does not signify, as he had rendered it, ‘the worth of it,’ but is adverbial, (like such phrases as mib rybbe, *pacifice*, mib lyrtum, *dolose*,) and means *digne, worthily, adequately*; a vague form of expression, especially in a legal enactment, but of which repeated instances occur in the Northumbrian Priests’ Laws.—T.]

^b A taking hold by the hair: ‘Si illum per capillos comprehenderit similiter ter quatuor solidos componat.’ *Lex Frisionum*, addit. tit. iii. c. 40.

^c In the Asega-Buch (P. iii. § 17.) it is enacted, ‘Benes-biti niugun skill; bone-bite, 9s.’ And upon which Mr. Wiarda observes, ‘Benes-biti’ is a mere injury of the bone, and is to be distinguished from ‘benskredene,’ or an injury producing either exfoliation or a simple fracture, and ‘ben-truch-sketen,’ a compound fracture of the bone.

^d The only approximations to this term in the kindred dialects, which I have been able to discover, are the Suio-Gothic *hinna*, meaning any species of membrane; whence *ogon-hinna*, ‘membrana oculi,’ and the Old-Danish *hinnæ*, bearing the same import. In the Guta-Laga the former occurs, in a list of offences, disposed in nearly the same order as those of the present text: ‘Suærþ-sprang bytr at marc penninga. Schin hiern-schal þa bytir tuar marc penninga. En ier hiern-schal suigin eþa rimnin þa ir marc silfs. Sis a himin eþa hinna þa ir byt at tueim marc silfs.’ C. xix. c. 13, 14. ‘If the skin (of the head) be broken, the bote is a mark. If the brain-pan be visible, the bote is two marks. If the brain-pan be contused or broken, then the bote is a mark of silver. If the membrane (the himin or hinna) of the brain be visible, then the bote is two marks of silver.’ And thus, in King Eric’s Zealand Law, we have,—‘Hwert ben man ma kiennæ thær withær margh hauer lighæt ællær with hinnæ tha ær thæt half mark bot: For every bone which can be known to have lain by marrow or by membrane,’ &c. II. c. 36. Mr. Kolderup Rosenvinge renders ‘hinnæ’ by the modern Danish *hinde*, a word meaning any fine membrane, but chiefly the mem-

37. If it be both, let 'bōt' be made with xx. shillings.
 38. If a shoulder be lamed, let 'bōt' be made with xxx. shillings.
 39. ^a If an ear be struck off, let 'bōt' be made with xii. shillings.
 40. If the other ear hear not, let 'bōt' be made with xxv. shillings.
 41. If an ear be pierced, let 'bōt' be made with iii. shillings.
 42. If an ear be mutilated, let 'bōt' be made with vi. shillings.
 43. If an eye be [struck] out, let 'bōt' be made with l. shillings.
 44. If the mouth or an eye be injured, let 'bōt' be made with xii. shillings.
 45. If the ^b nose be pierced, let 'bōt' be made with ix. shillings.
 46. If it be one 'ala,' let 'bōt' be made with iii. shillings.
 47. ^c If both be pierced, let 'bōt' be made with vi. shillings.
 48. If the nose be otherwise mutilated, for each let 'bōt' be made with vi. shillings.
 49. If it be pierced, let 'bōt' be made with vi. shillings.

^b The Frisian law is equally particular in all the possible injuries which can affect this feature, and will throw some light on the obscurities of the present text. 'Thiu nosi thruch-sketen thi ingong tian enza and achta panninga; thi utgong alsa felo; thera inra mutha iawelikes bote twilif skill, thi gristel fiuwer skill'; thera thrira domma gersfal iahwelikes bote sex and thritich skill': If the nose be pierced through, for the entrance, 10 *oz.* and 8 *d.*; for the exit as much. The bote of each of the inner mouths (*i.e.* the nostrils) is 12 *s.*; the gristle, 4 *s.* The bote for cutting off the three dams (*i.e.* the sides and the cartilage) is for each 36 *s.*' *Asega-Buch*, p. iii. § 5. And again: 'Thiu nosi thruch-sketen: thi forma wach fiarda thrimine lad, thi other and thi thredda alsa felo: The nose pierced through—the first wall, 3½ loths; the second and third, as much.' *Ib.* § 16.

^c We ought perhaps to transpose this and the following law, as we have already had a bote for piercing the nose, c. 45. It should however be mentioned, that in some of the dialects, scarcely any distinction is found between the term implying the nose and that used for the nostril. 'Næsa in veteribus linguæ nostræ monumentis non tam nasum quam narem denotare videatur, unde in plurium numero occurrit, dum de toto membro sermo est.' In *Lege Scanica Orb. m.* p. 63. 'Rister a bodhe næsæn: si disciderit utrumque narem.' *Lex Birc.* c. 14. 1. 'Warda næsær afhognær: si nasus amputatus fuerit.' *Ihre*, in voce.

L. Seþe ^acin-ban forflæhð. mid .xx. reillingum forgelde:

LI. Æt þam feoper toðum fýrertum æt gehwýlcum .vi. reillingar. re toð re þanne byrtandeð .iv. reill. reþe þonne bi þam rtandeð .iii. reill. 7 þonne riþþan gehwile reilling:

LII. Líf frræc arýrð peorð .xii. reillingar. Líf ^briðo-bane gehwoced peorðeð .vi. reill. gebete:

LIII. Seþe ^cearm þurhrtinð .vi. reillingum gebete. Líf earm forþrocen peorð .vi. reill. gebete:

LIV. Líf þuman of-arflæhð .xx. reill. Líf þuman nægl of peorðeð .iii. reill. gebete. Líf man ^dreýte-finger of-arflæhð .viii. reill. gebete. Líf man midðel-finger of-arflæhð .iv. reill. gebete. Líf man ^egold-finger of-arflæhð .vi. reill. gebete. Líf man þone lyctan finger of-arflæhð .xi. reill. gebete:

LV. Æt þam neglum gehwýlcum reilling:

LVI. Æt þam lærertan. ^fplite-pamme .iii. reillingar. 7 æt þam mapan .vi. reill.:

LVII. Líf man oðerne mid fýrte in nayo flæhð .iii. reill.:

^a 'Mentum, chinni beini.' *Gl. Jun. B.* [Perhaps better 'jaw-bone.' 'Ak jabai hwas þuk stautai bi taihswon þeina kinnu, wandeí imma jah þo anðara.' *Ulf. Matt.* v. 39. 'Whosoever shall smite thee on thy right cheek, turn to him the other also.' 'Damma stautandin þuk bi kinnu.' *Ib. Luc.* vi. 29. 'And unto him that smiteth thee on the *one* cheek.' So also Old High-Ger. *chinni*, O.-Sax. *kinni*, O.-Nor. *kinn*, Mod.-Ger. *kinn* (maxilla, gena).—*T.*]

^b There is some difference of opinion as to the particular bone here alluded to. It is mentioned in the *Asega-Buch* (iii. c. 17.): 'Thet widuben atwa eider enda en skill' wicht goldis: The widoben in two, either end, one shilling of weighed gold' (*i. e.* a mark). In the notes on this passage, Mr. Wiarda quotes the *Harling Land-Recht* in illustration of the meaning; where it is said: 'If the weite-bein (wide-bone), that is, the shoulder-blade, be broken,' &c. An old Low-German gloss, published by Hoffman, (*Observ. J.G.* p. 245.) supports this interpretation: 'Dat wyde-ben dat is sculter-blatt.' But in v. Schwartzenberg's *Charten-Bock*, i. p. 98, we have, 'Wyde-ben an den hals: the wide-bone of the neck.' And the editors of the *Old-Frisic Land-Recht* (p. 368.) have translated the word *sleutel-been*, or collar-bone, in which I have followed them.—[The foregoing quotations are from Wiarda's notes to the *Asega-Buch*, p. 216.—*T.*]

50. Let him who breaks the ^a chin-bone pay for it with xx. shillings.

51. For each of the four front teeth, vi. shillings; for the tooth which stands next to them iv. shillings; for that which stands next to that, iii. shillings; and then afterwards, for each a shilling.

52. If the speech be injured, xii. shillings. If the ^b collar-bone be broken, let 'bōt' be made with vi. shillings.

53. Let him who stabs [another] through an ^c arm, make 'bōt' with vi. shillings. If an arm be broken, let him make 'bōt' with vi. shillings.

54. If a thumb be struck off, xx. shillings. If a thumb nail be off, let 'bōt' be made with iii. shillings. If the ^d shooting (*i. e.* fore) finger be struck off, let 'bōt' be made with viii. shillings. If the middle finger be struck off, let 'bōt' be made with iv. shillings. If the ^e gold (*i. e.* ring) finger be struck off, let 'bōt' be made with vi. shillings. If the little finger be struck off, let 'bōt' be made with xi. shillings.

55. For every nail, a shilling.

56. For the smallest ^f disfigurement of the face, iii. shillings; and for the greater, vi. shillings.

57. If any one strike another with his fist on the nose, iii. shillings.

^c 'Si quis alio *brachium* super cubitum *transpunxerit* cum *sex* solidis componat.' *Lex Alamann.* tit. lxxv. c. 3.

^d 'Si secundum digitum quo sagittatur, excusserit, m. cccc. den. qui faciunt sol. xxxv. culpabilis iudicetur.' *Lex Sal.* tit. xxxii. 4.

^e In a law of the Conqueror it is stated: 'Del' lung dei (*rendra*) xvi. sol.; del' autre ki porte lanel xvii. sol.' (*Holkham* ms. 142. b.) In the *Lex Alamannorum*, tit. lxxv. c. 21, this finger is called 'digitus annularis.'

^f 'Vulitivam, L. solid. componat.' *Lex Angl. et Werin.* tit. v. c. 10. 'Si os fregerit vel *vulitivam* fecerit,' &c. *Lex Saxonum*, tit. i. c. 5. 'Si ex percussione deformitas faciei illata fuerit, quæ de duodecim pedum longitudine possit agnosci, quod *vulitivam* dicunt, ter iv. sol. componat.' *Lex Fris. Add. Sapientum*, iii. c. 16. In the Old-Frisic Land Recht (p. 362), this injury is termed 'wlite-wimelsa' and in the East Frisic Land-Recht (p. 726), vlyta-wlemelsa. 'Weir einer wert gewundet buten den kledern und licklauwen beholt, de noch kleyd noch haere bedecken und stede anschinnende is dat het vlyta wlemelsa: If a man be wounded in a part not covered by his clothes, and a scar ensues, which is neither covered by his clothes nor his hair, and which is constantly visible, such a scar is called vlyta-wlemelsa.'

LVIII. ^a Eof dýnt eie. ealling. Eof he heahpe handa dýntes onfehð. eall. eorðelðe.

LIX. Eof dýnt eie buton eadum .xxx. eætta gebete.

LX. Eof hit eie binnan eadum. gehwile .xx. eætta gebete.

LXI. Eof ^b hwe eund eorðeð .xii. eall. gebete. Eof he eue-eue eorðeð .xx. eall. gebete.

LXII. Eof man ^c gehemed eorðeð .xxx. eall. gebete.

LXIII. Eof man ^d ceap-eund eie .iii. eall. gebete.

LXIV. Eof man gehýndelice him apýrðeð. þrým leud-geldum hine man eorðelðe. Eof he eue-eue .vi. eall. gebete. Eof man in-be-eue .vi. eall. gebete.

LXV. Eof eue gebrocen eorðeð .xii. eallingum gebete. Eof he healt eorð. þær motan eue eue.

LXVI. Eof eue eue eorð .iii. eall. gebete.

LXVII. Eof man eue eue-eue. eue gehwile .vi. eallinge. Eof eue eue. eue. eue. æt eue eue eue. eue eue .iii. eall.

LXVIII. Eof ^e eue eund eorðeð .iii. eallinge gebete.

^a [Mr. Price's translation of this law was as follows: 'If there be a bruise, one shilling; if he catch the blow with his uplifted hand, let one shilling be paid.' But surely the participle *uplifted* cannot be a correct translation of the adjective 'heah,' the cognate expression to which is in the Scandinavian dialects constantly employed to express the *right* (hand); and though an authority for this use of the word in A.S. be wanting, still the circumstance that the settlers in Kent were Jutes seems sufficient to account for the occurrence of this northern idiom in the Laws of Æthelbirht. Dr. Reinhold Schmid's translation accords with Price's, and both follow Wilkins, who has 'elata manu;' Palgrave adopts the Northern acceptance, but renders the law, 'If the injured party receive a blow on the right hand,' &c. See Orig. & Prog. of the Engl. Commonw. V. 2. p. cx. —T.]

^b 'Si autem in interiora membra transpunctus fuerit, quod hrefwunt dicunt, cum duodecim solidis componat. Si autem transpunctus fuerit, cum viginti quatuor solidis componat.' *Lex Alamann.* tit. lxx. cc. 25, 26.

^c Wilkins reads *gelemed*. The ms. agrees with the present text. I have been unable to discover any thing which will illustrate the term. In the *Lex Anglorum et Werinorum*, it is enacted, 'Si ipse

58. * If there be a bruise, a shilling; if he receive a right hand bruise, let him [the striker] pay a shilling.

59. If the bruise be black in a part not covered by the clothes, let 'bōt' be made with xxx. 'scætt's.'

60. If it be covered by the clothes, let 'bōt' for each be made with xx. 'scætt's.'

61. If the ^bbelly be wounded, let 'bōt' be made with xii. shillings; if it be pierced through, let 'bōt' be made with xx. shillings.

62. If any one be ^c'gegemed,' let 'bōt' be made with xxx. shillings.

63. If any one be ^d'cear-wund,' let 'bōt' be made with iii. shillings.

64. If any one destroy [another's] organ of generation, let him pay him with iii. 'leud-gelds:' if he pierce it through, let him make 'bōt' with vi. shillings; if it be pierced within, let him make 'bōt' with vi. shillings.

65. If a thigh be broken, let 'bōt' be made with xii. shillings; if the man become halt, then the friends must arbitrate.

66. If a rib be broken, let 'bōt' be made with iii. shillings.

67. If a thigh be pierced through, for each stab vi. shillings; if (the wound be) above an inch, a shilling; for two inches, ii.; above three, iii. shillings.

68. If a ^e'sinew be wounded, let 'bōt' be made with iii. shillings.

stomachus perforatus fuerit, nec vulnus medicamento claudi potuerit, pro vulneris apertione totidem sol. componat quot pro ipso vulnere composuit.' Tit. vi. c. 13. But though gegyman (gezēman) means 'to take care of,' I know of no instance where it is used in the sense of healing; and if such an interpretation could be supported, we must still read, Līf man [ne] gezemeb, &c.

^d I have been unable to discover the particular nature of this injury. Wilkins proposes *peap-punb* as an emendation, in which he is followed by Lye: *peapp*, *peap*, 'callus, nodus,' *Cotton*, 32, 33. *Med. ex Quadr.* 7. 2. *Æthelb.* 62. Belg. 'weer, wier.' The accuracy of the present text may be supported by the analogous compounds *ceap-rīð*, 'iter difficile'; *ceap-rōph*, 'solicitude.'

^e 'Pro nervo colli, id est walde-waxa, xxxvi. solidi.' *V. Jus. Fris.* iii. c. 7. In the East-Frisic Land-Recht, it is termed wolt-sene (sinew). [In a case of so much doubt I have deemed it right to subjoin the version of this enactment as given by my predecessor, viz. 'If the muscle of the neck be wounded, the bote is three shillings.' My inability to concur in which arises partly from the vast disproportion between the sum of 3s. here fixed as an indemnity for an injury which, according to Mr. Price's own interpretation, is, by lxxvii. of Alfred, estimated at 100s. I am, moreover, ignorant

- * forþelbe. LIX. Gif for of peorðeð .L. ſcillingum *forþelben:.
- * forþelbe. LXX. Gif ſeo mýcle ta of peorðeð .x. ſcill. *forþelben:.
- LXXI. Æt þam oðrum taum gehwileum healf gelde ealſpa æt þam ſingrum ſƿ cƿiden:.
- LXXII. Gif þare mýccelan taan nægl of peorðeð .xxx. ſcætta to bote. æt þam oðrum gehwileum .x. ſcættaſ gebete:.
- LXXIII. Gif ſƿu-ſƿ ^aloc-bope leſpær hƿæt geðeð .xxx. ſcill. gebete:.
- LXXIV. Mægð-bot. ſƿ ſpa ſƿuſer manneſ:.
- LXXV. ^bMund þare betƿtan ƿiðupan eorlcundre .L. ſcillinga gebete. Ðare oðre .xx. ſcill. þare þƿiððan .xii. ſcill. þare ſeorðan .vi. ſcill:.
- LXXVI. Gif man ƿiðupan ‘unagne genimeð .ii. gelde ſeo mund ſƿ:.

of any authority for assuming the A.-S. ‘pælc’ and the O.-Frisic ‘walde-waxe’ as equivalent terms; nor indeed can they be so, the latter being used in the plural, a circumstance overlooked by Wiarda, who translates the words ‘thera walduwaxa bote,’ &c. by ‘der Halssehne Busse,’ &c. See Asega-Buch, pp. 180, 188. My opinion (upon which my vresion is founded) is, that this enactment is a continuation of the one immediately preceding it, and, consequently, that pælc is not a ‘muscle of the neck,’ but a sinew (nervus) of the thigh.—T.]

^a If loc-bope be the predicate of ſƿu-ſƿ, it must imply some degree or office. It cannot, I conceive, be the puella crinita of the Salic Law (Pactus 26. tit. 28. c. 3.), nor the filia in capillo of the Longobardic (*LL. Liutprandi*, Lib. i. c. 4.): for in these Dooms, the term for a virgin is mægð. The difficulty would vanish by supposing ‘ſƿu-ſƿ’ to have been a marginal gloss of ‘loc-bope,’ which had found its way into the text. A similar interpolation is met with in the Salic Law; for where the ‘Pactus’ reads, ‘Si quis puerum crinitum (? loc-bopa) sine voluntate parentum totonderit’ (tit. xxvi. c. 2.), the Wolfenbüttel ms. has—‘Si quis vero puerum crinitum ingenuum (sc. ſƿigman) tundere (sc. tondere) præsumerit,’ (tit. xxxiv. c. 5.)

^b The Longobardic Law is the most copious of all the Barbaric codes in its provisions respecting marriage; and is particularly so on the subject of the mund. From that law it appears that the ‘mundium’ was a sum paid to the family of the bride, for transferring the tutelage they possessed over her to the family of the husband. ‘Si quis pro muliere libera aut puella mundium dederit et ei tradita fuerit ad uxorem, &c.’ *Ed. Rotharis*, c. 183. In the case of a widow, where the relatives of her deceased husband refused to accept the terms sanctioned by law, it is said: ‘Et mundium ejus prioris mariti non habeant parentes, pro eo quod denegaverant eidem voluntatem suam. Ideo redeat mundium ejus ad parentes proximos qui prius eam ad maritum dederint.’ *Ib.* c. 182. And in the form of process attached to this law, we find: ‘Propter hoc dat Petrus hanc grossnam ut mittas eam sub mundio cum omnibus rebus mobi-

69. If a foot be cut off, let L. shillings be paid.
 70. If a great toe be cut off, let x. shillings be paid.
 71. For each of the other toes, let one half be paid, like as it is stated for the fingers.
 72. If the nail of a great toe be cut off, xxx. 'scætt's' for 'bōt'; for each of the others, make 'bōt' with x. 'scætt's'.
 73. If a freewoman ^a 'loc-bore' commit any 'leswe,' let her make a 'bōt' of xxx. shillings.
 74. Let 'maiden-bōt' be as that of a freeman.
 75. For the ^b 'mund' of a widow of the best class, of an 'eorl's' degree, let the 'bōt' be L. shillings; of the second, xx. shillings; of the third, xii. shillings; of the fourth, vi. shillings.
 76. If a man carry off a widow 'not in his own tutelage, let the 'mund' be twofold.

libus et immobilibus seu familiis, quæ ad eam per legem pertinent: et mundium et grosnam tradas sibi (sc. tradas ei, for this clause is directory,) ad proprium.' There was another case, also, where the 'mund' of a widow might be paid, or, to speak more accurately, where there might be a repurchase of the tutelage on the part of her family. 'Si pater filiam suam aut frater sororem suam alii ad maritum tradiderit, et contigerit casus, ut ille maritus moriatur, et pater aut frater mundium ejus liberaverit, &c. et illa vidua in domo patris aut fratris regressa fuerit, &c.' *Ib.* c. 199. In the formula, which follows this statement, we find one hundred shillings might be paid for the repurchase of the mundium. 'Quando Donatus tuus socer et suus dedit Aldam tuam conjugem ad priorem maritum dedit ei C. sol. in faderfium; et fuit mortuus ipse maritus; et dedit ei C. sol. liberando mundium et ipsa regressa fuit in casa patris.' In the same sense in which the term occurs in these dooms, it is also to be met with in the Alamannic Law (tit. liv. c. 2.); it was also common in Denmark, where a bride was called 'mundi-keypt-koni,' or a mund-bought woman (*Biarko Law*, c. 68.); and in Sweden, with some slight variation, she was called 'mund-gipt kona,' a mund-given woman. *West, G. L. Arfd. B.* c. 8. *apud Ihre.*

^c I have translated this 'not in his own tutelage,' as the best solution which presented itself. The expression is met with in the Longobardic Law: 'Nulli sit licentia quamlibet mulierem, etiam mundium ejus habenti in potestate, post mortem mariti sui ante anni spatium velare, aut monastico habitu induere. . . . Et si alter quicumque homo, in cujus mundio non est, hoc facere præsumserit, componat widrigild suum in sacro palatio, et ipsa cum rebus suis sit in potestate Mundoaldi sui.' *Leg. Liutprandi*, lib. vi. c. 46. And again: 'Si quis puellam aut mulierem liberam quæ in alterius mundio est, &c.' *Ed. Rotharis*, c. 198. The term 'genimeð' would seem to imply that the taking here spoken of was a forcible one (nebe), (though the Barbaric codes have 'rapuerit,' where no force was used,) or what in the same law, from whence so many illustrations of this subject have been derived, is called 'violento nomine:' 'Si quis violento nomine tulerit uxorem liberam, componat ut supra

*l. eft. LXXVII. Eof man mæẏð ẏebẏẏð ^aceapẏ ẏeceapob ẏẏ. ẏif
hit unẏacne ẏf. ẏif hit þonne ẏacne ẏf. *^bef þæp æt ham
ẏebpenẏe. ẏ him man hẏf ^cẏcæt aẏeẏe.

LXXVIII. Eof hno cẏc beapn ẏebẏneð. healfne ẏcæt aẏe. ẏif
ceopẏ æp ẏẏẏteð.

LXXIX. Eof mẏð beapnum buẏan pẏlle. healfne ẏcæt aẏe.

LXXX. Eof ceopẏ aẏan pẏlle. ^dẏpa an beapn.

solidos dcccc. et postea mundium ejus faciat.' *Ib.* c. 187. Where no force was used, but the consent of the kindred had been withheld, the fine was more lenient: 'Si puella libera aut vidua sine voluntate parentum ad maritum ambulaverit, liberum tamen, tunc maritus, qui eam acceperit uxorem, componat pro anagrip solidos xx. et propter faidam alios xx.' *Ib.* c. 188. The mundium, however, was still to be paid. In the case of a maiden who had voluntarily sought the abode of her lover, the Burgundian Law imposes a triple wittemon or mund. 'Si vero puella sua sponte expetierit virum et ad domum illius venerit, et ille se cum illa miscuerit, nuptiale pretium in triplum solvat.' *Tit.* xii. c. 3.

* The meaning of these words will be determined by the punctuation; whether we read, Eof man mæẏð ẏebẏẏð ceapẏ, ẏeceapob ẏẏ, or Eof man mæẏð ẏebẏẏð, ceapẏ ẏeceapob ẏẏ. The former is supported by the natural order of the words, and the following passage in a poem published by Hickes, i. 221, from the Exon. ms.

'Eẏnẏẏ ẏceal mẏð ceape
Eẏene ẏebẏẏan
Bunum anb beaẏum.'

In this case the translation will be as above. The latter may be inferred partly from the alliteration:

'Eof man mæẏð ẏebẏẏð
Ceapẏ ẏeceapob ẏẏ,'

and partly from the manner in which the same words are connected in a document published by Hickes, *Diss.* E. 30: 'þeþ ẏẏutelað on þẏum ẏeppẏce. hu Godric æt Bupnan beẏeat þæt lanð æt Offaham. þæt ẏf þonne. þæt he ẏealbe Eaðẏẏuan hẏf ẏpeoẏtop an mapc ẏolbeþ anb xiiii pd. anb lxiij peñ. on ẏeceapobne ceap. to ẏẏanne anb to ẏẏllanne. on bæẏe anb æẏteþ bæẏe. þam þe him leoẏẏt ẏẏ. þeþ ceap þæþ ẏeceapob on þu æẏtopan ealpa ẏcẏpe: It is here published in this writing how Godric at Bourne acquired the land at Offaham; that is, then, that he gave Eadgiva his sister one mark of gold, and twelve pounds and sixty-three pence in valued ceap, so that he might give it or sell it, during his life and after his decease, to whomsoever he pleased: this ceap was valued at Wye, before the whole shire.' A similar mode of expression also occurs in the municipal law of Schleswic: 'unde de beschermmer des gudes de sück der deuerie entledighen wil de bringhe twe tūghe unde swere sūlsōste dat he dat gud to markede *kopliken gekofft* hebbe.' c. 26. 'Reus autem, defensor bonorum, sese furti crimine purgare volens duos

77. If a man buy a maiden ^awith cattle, let the bargain stand, if it be without guile; but if there be guile, ^blet him bring her home again, and let his ^cproperty be restored to him.

78. If she bear a live child, let her have half the property, if the husband die first.

79. If she wish to go away with her children, let her have half the property.

80. If the husband wish to have them, [let her portion be] ^das one child.

testes adducito, juratoque ipsemet sextus, se eas res *in foro pretio justo emisse.*'

^b The probable reading seems to have been either æfter or eft[er] þær. Thus, in the *Modus Imponendi Penitentiam*, c. 45. we have: 'Buton he býrge eft ham onrean þæt he utrealde: Unless he repurchase home again what he has sold out (of the country).' [Read certainly eft þær.—*T.*]

^c That is, as I understand this very obscure law, 'If the cattle be diseased or maimed, or the goods otherwise defective, let them be returned, and let the price of the bride be paid for in hard money.' Thus on the back of an ancient charter preserved in the collection at Stowe, we have: 'Ðiſ iſ þýringbænneſ boc þe Eaþolb anb æðel-flæb zeuðan ælþolde wið hiſ lic-þýpðan ſcætte: This is the title-deed of Hyringden, which Eadwold and Æthelflæd conveyed to Ælfwold, (in return) for his acceptable money.' It is clear from the *Lex Saxonum*, that though the fines were fixed at a certain money value, the amount was sometimes paid in cattle and other goods. 'Solidus est duplex, unus habet duos tremisses quod est bos anniculus duodecim mensium, vel ovis cum agno. Alter solidus tres tremisses id est bos xvi. mensium. Westfalaorum et Angrariorum et Ostfalaorum solidus est secalis sceffila xxx, ordeſ xl, avenæ lx.' Tit. xix. c. 1, 2. [My predecessor's version of this somewhat obscure enactment, upon which his annotations are founded, was as follows: 'If a man purchase a maiden with cattle, let the bargain stand if they be without blemish; if they be faulty, let him bring them home (to the payer), and let him be paid his money.' It is to be here observed, that the neuter hit (which cannot strictly refer either to the feminine mæðð, or the masculine ceap), as well as the words unſcæne and ſcæne, apply to the bargain, which the law declares to be binding, if void of deceit; but permits the man, if he could prove that he had in any way been imposed upon with regard to the maiden, to send her back and demand the restitution of his cattle. Dr. Schmid's translation agrees essentially with my own. Dr. Grimm's apt allusion to the ἀλφεῖσσιαι of Homer may be here adduced, in illustration of the phrase 'ceape geþiczan.' See *Deutsche Rechts Alterthümer*, p. 421.—*T.*]

^d A similar disposition under different circumstances occurs in the Bavarian law 'De viduis.' 'Viduæ si post mortem mariti in viduitate permaneat, æqualem inter filios suos, id est *qualem unus ex filiis*, usufructuariam habeant portionem, usque ad tempus vitæ suæ, usufructuario jure possideant.' Tit. xiv. c. 6.

LXXXI. Líf hio bearn ne gebýrðeð. fæderung-mazaſ a fioh aſan. ʒ þ morſenſýſe.

LXXXII. Líf man mæſð-man neðe ſenimeð. þam aſende .L. fcellinga. ʒ æft æt þam aſende. e fenne pilla. æt-ſebicſe.

LXXXIII. Líf hio oðrum mæn in d fceat bepýððoð fī .xx. fcellinga ſebete.

LXXXIV. Líf e ſænſanſ ſepeorðeð .xxxv. fcell. ʒ cýninge .xv. fcellingaſ.

LXXXV. Líf man mið eſneſ epýnan ſeligeð be epicum ceopſe .ii. ſebete.

LXXXVI. Líf eſne oðerne ofſlea unfýnnigne. ealne peorðe fopſelbe.

LXXXVII. Líf eſneſ eage ʒ foot of peorðeð aſlaſen. ealne peorðe hine fopſelbe.

LXXXVIII. Líf man manneſ eſne ſebindeð .vi. fcell. ſebete.

LXXXIX. Deopæſ pēſ-neaf ſe .iii. fcellingaſ.

xc. Líf þeop ſeleð .ii. ſelbe ſebete.

^a This is the 'fader-feum' of the Longobardic Law: 'tunc illa vidua quæ in domo patris aut fratris regressa est, habeat sibi [in ante] morgen-gab, et methium; de 'faderfio' autem, id est de alio dono; quantum pater, aut frater dederit ei, quando ad maritum ambulaverit, mittat in confusum (hotch-pot) cum aliis sororibus, &c.' *Ed. Rotharis*, c. 199. And again: 'Habeat ipsa mulier morgengab et quod de parentibus suis adduxerit, id est phaderfium.' *Ib.* c. 182.

^b The morgen-gife, as the name implies, was a gift made to the bride by her husband on the *morrow* following the consummation of the nuptials. 'Libellus dotis qui ex Tabular. Casauriensi descriptus est a Gallandio in Tractatu de Franco alodio, p. 323, prorsus indicat donum istud matutinale factum *mane*, post primam noctem nuptialem, quasi ob pretium virginitatis cujus spolia proxime præterita nocte retulerat, uti fuere apud Græcos διαπαρθένα.' *Du Cange*, in voce. The abuse of this custom among the Longobards led to a provision that it should never exceed one fourth of the husband's property. 'Tamen ipsum Morgengab volumus, ut non sit amplius, nisi quarta pars de ejus substantia, qui ipsum Morgengab dedit. Si quidem minus dare voluerit de rebus quam quarta portio sit, habeat in omnibus licentiam dandi quantum voluerit.' *LL. Liutprandi*, l. ii. c. 1.

81. If she bear no child, let her paternal kindred have the ^a 'fioh' and the ^b 'morgen-gyfe.'

82. If a man carry off a maiden by force, let him pay **l.** shillings to the owner, and afterwards buy [the object of] ^c his will of the owner.

83. If she be betrothed to another man in ^d money, let him make 'bōt' with **xx.** shillings.

84. If she become ^e 'gængang,' **xxxv.** shillings; and **xv.** shillings to the king.

85. If a man lie with an 'esne's' wife, her husband still living, let him make twofold 'bōt.'

86. If one 'esne' slay another unoffending, let him pay for him at his full worth.

87. If an 'esne's' eye and foot be struck out or off, let him be paid for at his full worth.

88. If any one bind another's 'esne,' let him make 'bōt' with **vi.** shillings.

89. Let the 'weg-reaf' of a 'theow' be **iii.** shillings.

90. If a 'theow' steal, let him make twofold 'bōt.'

^c 'Si quis puellam aut viduam alteri sponsatam, illa tamen consentiente, rapuerit, sit culpabilis parentibus mulieris et mundium ejus *sicut convenerit*, faciat.' *Ed. Rotharis*, c. 191.

^d The practice here spoken of may be illustrated by an extract from a Longobardic formula already cited: 'Pro hoc venit M. quod vult sponsare D. filiam P. Venisti tu propter hoc? Veni. Da vadium, quod facies ei quartam portionem de quanto tu habes, aut in antea adquirere potueris, tam de re mobili, quamque immobili, seu familiis, et si te subtraxeris componas libras C. Et per istam spatam et istum vuantonem sponso tibi M. meam filiam, et tu accipe eam sponsario nomine? et comanda eam nusquam ad terminum talem. Tu Pater feminæ da vadia ei, quod tu des eam ad uxorem, et mittas eam sub mundio. Et tu da, quod eam accipias: et qualis se subtraxerit componat solidos mille.' *Form. ad Ed. Rotharis*, c. 182. (*Canc. ii.* p. 467.)

^e [So in *ms.*, where the final *z* has originally been omitted, and afterwards inserted (apparently by the writer of the *ms.*) in a lengthened and straightened form, within the narrow space between *gængan* and the following word. Its signification, though quite uncertain, yet judging from the context, seems to be 'pregnant.'—*T.*]

ÐLOÐÐÆRES AND EADRICES DOMAS.

ÐIS SYNDON ÐA DOMAS ÐE *ÐLOÐÐÆRE AND
EADRIL LANTPAPA CYNINGAS ASETTON.

Ðloðhære 7 Eaðric. Lantpapa cýningas. ecton þa æ. þa þe
heora alþorag ær 7eopoh-ton. þýggum domum þe hýr
eften 7ægeð:

1. Líf ^b mannes efne eorlcundne mannan ofrlæhð. þane þe
710. þneom hundum 7cill. 7ýlbe 7e aǵenð. þone banan aǵefe 7 ðo
þær þuo man-þýrð to:

^a HLOTHHÆRE succeeded his brother Ecgeberet in July 673, and, after reigning eleven years and seven months, died on the 6th of February 685, of wounds received in battle against his nephew Eadric, who then obtained the kingdom, and reigned during a year and an half. *Beda Hist. Eccles.* iv. 5. 26. The rubric would seem to imply that at some time they had governed jointly.

^b There are some obscurities in this and the provisions immediately following, which can only be removed by a close attention to the general principles of Germanic law. The most natural solution would be, taking the language of the text as it stands, without reference to the subject matter, that the esne was to pay 300*s.* for his offence, and his lord three man-wyrths in addition. It would, however, be an anomaly peculiar to these dooms if any of the servile classes were made directly responsible, either to the injured party or his family, for the wrongs they might commit. The maxim of the *Lex Angliorum et Werinorum*, 'omne damnum quod servus fecerit dominus emendet,' tit. xvi., is common to all the codes, and may be found, either directly or indirectly, asserted throughout the whole Anglo-Saxon law. It seems impossible, therefore, to believe that the esne, who was so much a *peop* as to be subject to the castigation of the whip (*Wihtr.* c. 23.), would have been held accountable in the first instance to the family of the deceased for a wergild, or, as a consequence of this, that he might be sued as a freeman in the public courts. That he appeared in court by the person of his lord, or the representative of his lord, the *gerefa*, is evident from *Wihtr.* c. 22. There appears good reason, therefore, for believing that the first penalty of 300*s.* was paid by the lord. The next difficulty lies in the meaning of the term man-wyrth. There is certainly a strong analogy between the expressions *leob-gilb*, *per-gilb*, and man-þýrð.

THE LAWS OF KINGS HLOTHHÆRE AND EADRIC.

THESE ARE THE DOOMS WHICH 'HLOTHHÆRE
AND EADRIC, KINGS OF THE KENTISH-MEN,
ESTABLISHED.

Hlothhære and Eadric, kings of the Kentish-men, augmented the laws, which their elders had before made, by these dooms, which hereafter say.

1. If 'any one's 'esne' slay a man of an 'eorl's' degree, whoever it be, let the owner pay with three hundred shillings, give up the slayer, and add three 'man-wyrths' thereto.

But among all the Germanic tribes, the terms 'peopðe' and 'ceap,' or whatever may have been their equivalents, appear generally to relate to things having a market price: and while these are limited in their application to the servile classes, as a part of the stock of an estate, the term 'gylb,' or retribution, seems to have been the epithet by which the free orders chose to dignify the price paid for averting or soothing their vengeance. Perhaps some objections may be raised to the exposition here given, from the singular phraseology of c. 3.: 're azenb þone banan azepe. 7 oðer man-wyrð þæpto:' which, when strictly translated, is — 'let the owner give up the slayer, and a 'second' man-wyrth thereto.' But, in calling this a second man-wyrth, I conceive the person of the esne is considered as the first; and this seems confirmed by the language of the succeeding law: 'If the slayer escape, let him be paid for with two man-wyrths.' Both the subject and the language of this and the succeeding law may be illustrated by the provisions of the Lex Frisionum. 'Si servus nobilem, seu liberum, aut litum nesciente domino occiderit, dominus ejus, *cujuscunque conditionis fuerit homo qui occisus est*, juret, hoc se non jussisse, et mulctam ejus pro servo bis simplum componat.' The 'simplum' here spoken of was what in the Wessex dooms is called the 'anzylbe.' [Yet by Ethelb. 90. it is ordered, that even a 'theow,' if he steal, shall pay a double bōt; and by Wihtr. 10, 11, that an 'esne' shall not only pay a bōt, but that he shall pay it to his lord. A remedy is, however, at hand, by which the present difficulty is at least diminished, and the sense improved; viz., the removal of the point in cc. 1. and 3. from gylbe to azenb, a liberty which I have not hesitated to take. A collocation of words precisely similar occurs in Ine 49.—*T.*]

II. Līf je bana ^a oðbýrte. feorðe man-pýrð he to-geðo. ʒ hine ʒecænne mid ʒodum ^b ærðum. ꝥ he þane banan beʒeten ne mihte.

III. Līf mannef eʒne fʒuʒne mannan ofʒlæhð. þane þe fʒe-hund fceillinga ʒelðe je aʒend. þone banan aʒefe. ʒ oðer man-pýrð þær to.

IV. Līf bana oðbýrte. tʒam man-pýrðum hine man fʒo-ʒelðe. ʒ hine ʒecænne mid ʒodum ærðum ꝥ he þane banan be-ʒeten ne mihte.

V. Līf fʒuʒman mannan fʒoʒtele. ^c ʒif he eft cuma fʒeo-melða fceʒe an andfeapðne. ʒecænne hine ʒif he mæʒe. hæbbe ^d þare fʒeoʒa jum ærða-manna. ʒ ænne mid in aðe. æʒhpilc

^a A similar provision is found in King Eric's Zealand Law: 'Draper nokær mans thræl fræls-man tha a han ut at latæ thrællæn i hins frændær wald ok thær til sæx mark. Æn lōpær bort thrællæn fōræn han andworther hanum tha skal han sæliæ tyltær eth æt thæt wærth hwærken hans rath ok æy hans buth æt han lōp bort ok botæ ni mark foræ: If any man's thrall slay a freeman, he ought to give up the thrall to the power of his (the dead man's) friends, and six marks thereto. But if the thrall run away before he deliver him up, let him then take a tylter oath (an oath with twelve compurgators) that it was neither by his counsel nor by his command that the thrall ran away; and let him pay a bote of nine marks for it.' C. 32.

^b In the Latin documents, the terms 'boni, probi, *legales homines*,' are constantly occurring. The 'æpba' is evidently the last of these, though throughout these dooms the term appears to be used in the sense of compurgator. According to Ihre, in *Regulus Judic.* § 34. 'Lagman denotat conjuratorem, compurgatorem.' The same power was also given to this term in the Danish law: — 'og theligeste skall lade optigne, hwem hands Loughöring og Loughsmendt ere wedt Naffn. And the same shall be made known by name, who are his oath-following, and his consacramentales.' *Christian III. Copenhagen Recess*, 1537. As these terms are respectively derived from æpe, 'jus,' and laze, 'lex,' it is clear that the roots must at one time have borne the same meaning, and that the distinction usually taken between them must have been the result of convention and later necessity.

^c The translation is founded on a conjecture that the true reading of this passage would be, Līf he eft cume (though the a in cuma may be the M.G. ai — A. S. a), and fʒeoþmelban fceʒe, &c. Such a denunciation is to be found in the Salic Law: 'Si quis servum alienum plagiaverit, id est, per circumventionem de servitio domini sui abstraxerit, et trans mare sive in quamlibet regionem ipsum duxerit et ibidem a domino suo inventus fuerit, et ipsum a quo in patria plagiatus est in mallo publico nominaverit; et tres ibidem testes dominus habere debet. Et iterum, cum servus ipse citra mare vel de qualibet regione fuerit revocatus, in altero mallo debet nominare qui eum plagiaverit, et ibidem similiter tres testes debent adesse. Ad tertium vero mallum similiter fieri debet, ut novem testes jurent, quod servum ipsum æqualiter semper super plagiatores dicere

2. If the slayer ^a escape, let him add a fourth 'man-wyrth,' and let him prove, with good ^b 'æwdas,' that he could not obtain the slayer.

3. If any one's 'esne' slay a freeman, whoever it be, let the owner pay with a hundred shillings, give up the slayer, and a second 'man-wyrth' thereto.

4. If the slayer escape, let the owner pay for him with two 'man-wyrths,' and let him prove, with good 'æwdas,' that he could not obtain the slayer.

5. If a freeman steal a man; ^c if the man return, and denounce him before the 'stermelda;' let him clear himself, if he be able, and let him have ^d the number of free 'æwda'-men,

audissent. Sic postea, qui eum plagiaverit ī cccc denariis, qui faciunt solidos xxxv. culpabilis iudicetur, excepto capitali et delatura; ea tamen ratione ut nomina hominum et villarum, æqualiter per totos tres mallos debeat nominare.' *L. Sal. Ref. tit. xli. c. 2.* If, however, the present text be correct, though it is far too disjointed to admit readily of such a supposition, we may translate it: Let the Stermelda declare (the charge) in the presence (of the person accused). The literal version of 'Steormelda' is 'delator fiscalis,' and, judging from the context, he was the same officer with the Bon of the Frisc courts, whose duty in some degree approached that of our English sheriff, and who, in the absence of a prosecutor, might sue on the part of the Province: 'Sa hwersa thi Bon ena monne bitegath enere clagi and ther nen onspreke ne stont, sa mire dwa hwedder sare wili, ia tha biseka: wilere biseka, sa skil hi thre with-etha swera mith thrinum monnum. Thene forma eth skil thi mon hera, thene otherne tha liode, thene thredda skil thi frana hera. Sa mire mith thesse thrinum ethon falla thera lioda fretho and thes frana bon.' *Asega-Buch*, p. 271. 'In case the Bon accuse a man of an offence (charge), and no prosecutor appear, he may do whichever he will, confess or deny (the charge). If he chuse to deny it, he shall swear three with-oaths with three men. The first oath shall belong to the man (the Bon), the second to the people, and the third to the Frone; and thus with these three oaths may he free himself from the frith due to the people, and the Ban due to the Frone.' In Germany, the offices of the Bon and the Frone seem to have been united, and the Frone, or Fronebote, to have had a jurisdiction varying in extent and importance according to the district, or the times of which we speak; sometimes, as at Soest (where there were two), exercising the authority and assuming the functions of the Gorichter (репрѣдѣла), and on other occasions descending into a mere apparitor of the provincial or municipal courts.

^d pape is again used for papa, in Wihtred's Dooms, c. 10. The ordinary 'pūm-að' appears to have been made up of men of any degree, each swearing according to his legal estimation. If the present text be correct, it would seem that on the occasion in question the compurgators were to be all freemen, without any admixture of ceorls. The preferable reading would be, hæbbe pape þreopa pūm æpða manna: let him have some three, &c.

man æt þam tune. þe he to-hýre. gif he þ̅ ne mæge. ȝelbe ȝpa he ^a ȝono hāȝe.

vi. Ȝif ceorl acȝyle be libbendum ȝife ȝ beaȝne. ȝiht iȝ þ̅ hit. þ̅ beaȝn. meoðer folȝige. ȝ him man an hiȝ ȝæderȝng-maȝum ^b ȝil ȝumne beȝȝean ^c ȝefelle. hiȝ ȝeoħ to healðenne oþþæt he .x. þintȝa ȝie.

vii. Ȝif man oðrum mæn ȝeoħ ȝoȝȝtele. ȝ ȝe aȝenð hit eft ætȝo. ȝeteme toȝȝnȝer ȝele. gif he mæge. ȝ þane æt-ȝebȝenȝe. þe him ȝealbe. gif he þ̅ ne mæge. læte ān. ȝ ȝo ȝe aȝenð to.

viii. Ȝif man oðerne ȝace tihȝe. ȝ he þane mannan ^d mote
* l. meðle. an * ^e meðle oþþe an þinȝe. ȝȝmble ȝe man þam oðrum bȝȝȝ-
ȝean ȝefelle. ȝ þam ȝiht aȝȝȝce þe to hiom Eantȝana ðeman
ȝeȝȝȝen.

ix. Ȝif he þonne bȝȝȝan ȝoȝȝæȝne .xii. ȝeillingȝaȝ aȝȝlbe
* l. ȝio. þam cȝȝnȝe. ȝ ȝio * ȝe ȝacȝ ȝpa open. ȝpa hio æȝ ȝeȝ.

x. Ȝif man oðerne tihȝe ȝiþþan he him bȝȝȝan ȝeȝealðne hæbbe. ȝ þonne ȝmb .iii. niht ȝeȝecæn hiom ȝæmend. buton þam uȝoȝ leoȝne ȝio. þe þa tihȝelan aȝe. ȝiþþan ȝio ȝace ȝeȝemed ȝio. an ȝeoȝan nihtum ȝe man þam oðrum ȝiht ȝeðo. ȝeȝȝime

ȝono.

^a In the ms. these words are thus disposed: hāȝe. Wilkins has substituted *genoh*, which, if it be the true reading, must be received in the sense of the Old-German 'ginoch,' opulentia. Such a form of expression is also found in the Bavarian Law: 'Cætera vero quæcunque commiserit peccata, quousque habet *substantiam*, componat secundum legem.' Tit. ii. c. l. § 4.

^b The Aapenrader Skraa (1335) contains a provision nearly parallel with the present text: 'Unde de gudere der kindere, der ere vader unde moder gestorven sin, bewaren de negesten vründ mit edder van buten tho, alse se nogafftighe vorwaringe davorre don also denne deme Rade rechtuerdich unde reddeliik duncked wesen: Item bona puerorum, quorum pater et mater obierant, custodiant cognati propinquiores nobiscum, vel extranei, duminodo sufficientem faciant cautionem pro iisdem sicut consulibus iustum et rationabile visum fuerit.'

^c Such is the reading of the ms., and not *ȝefelle*, as published by Wilkins. The difference between the A.S. *f* and *ȝ* is slight, and the natural inference would be, in the absence of any authority in support of *ȝefelle*, that the two letters had been confounded. But in Suio-Gothic, 'befalla' means, *to commit, entrust unto*; in Old-German, 'bifelan' bears the same import; and in Old-Frisic, 'fella' is constantly used as an equivalent for the A.S. 'fellan.' 'Sa hwasæne mon sle and thes nena iechta ne lade thet hi thritich merk breke and ther efter enich hus [ieftha] hawe thet hia umbe thet hus sextich merk felle: In case any one slay a man, and neither confess

and one with (himself) in the oath, each at the 'tūn' to which he belongs; if he be unable, let him pay as he ^a 'zono hāge.'

6. If a husband die, wife and child yet living, it is right that the child follow the mother; and let there be ^b sufficient 'borh' 'given to him from among his paternal kinsmen, to keep his property till he be x. years of age.

7. If one man steal property from another, and the owner afterwards lay claim to it; let him vouch to warranty at the king's hall, if he can, and let him bring thither the person who sold it him; if he cannot do that, let him give it up, and let the owner take possession of it.

8. If one man make plaint against another in a suit, and he ^d cite the man to a 'methel' or to a 'thing,' let the man always give 'borh' to the other, and do him such right as the Kentish judges prescribe to them.

9. But if he refuse to give 'borh,' let him pay xii. shillings to the king, and let the suit be as open as it before was.

10. If one man make plaint against another; after he has given him 'borh,' and then after three days let them seek for themselves an arbitrator, unless a longer period be desired by him who carries on the suit: after the suit is settled, let the

nor clear himself of the offence, let him forfeit thirty marks; and if after that any one house or harbour him, let him pay sixty marks for the housing.' *Asega-Buch*, p. 234. Notwithstanding the plausibility, therefore, of the substitution made by Wilkins, supported as it is by the reading of c. 8, 'býrngean ȝeŕelle,' I have thought it best to leave the text undisturbed.—[I believe ȝeŕelle to be a mere clerical error for ȝeŕelle. The above citations in favour of the reading of the text seem hardly to the point.—*T.*]

^d In the Old-Danish law, *mötæ* (A. S. *motan*) means, *to appear on summons before a court of justice*. 'Æn mötær hin a forstæ thing thær swæræ skal: And if he who shall answer (*i.e.* the accused) appear at the first thing.' Again: 'Tha skal han æntingh siælf mötæ ællær [hans] forfal: Then shall he either appear in person or by his proxy.' *Zealand Law*, c. 51.

^e The distinction between these courts receives no illustration from any of the later documents; but as 'meþel' and 'more' are synonymous in their usual acceptation, perhaps the former is the hundred-gemot of subsequent times, and the 'ping,' the court of the tithing. In the municipal Law of Lund, a similar distinction is made between the Moot and the Thing: 'Um byman taka noker adæthis man tha skal han til things föræ eller til moot[s] a ræt moots-dagh, &c.: If a citizen take an offender, he shall lead him to the Moot or the Thing, upon a proper moot-day.' C. 10. In support of the conjecture given above, it may be stated, that in the Florence Gloss published by Eccard (*Fr. Orient.* f. 982), the Latin 'decurio' is rendered 'tinc-man.'

an feo ^a oþþe an aðe. ƿpa hƿæðer ƿpa him leorƿe ƿio. ƿif he þonne þ̅ nýlle. ƿelðe þonne .c. ^b buton aðe. ƿifþan ane neaht oƿer þ̅ ƿerem hie ^c:

xī. ƿif man mannan an oðner ^d flette man-ƿƿapa hateð. oþþe hine mið biƿmæri-ƿorðum ƿcandlice ƿrete. ƿcilling aƿelðe þam þe þ̅ flet aƿe ƿ .vi. ƿcill. þam þe he þ̅ ƿorð to-ƿecƿæðe. ƿ cýnſe .xii. ƿcill. ƿorƿelðe:.

xii. ƿif man oðrum ^e ƿteop aƿette. þær mæn ðruncen buton ƿcýlðe. an ealð-ƿuht ƿcill. aƿelðe þam þe þ̅ flet aƿe. ƿ .vi. ƿcill. þam þe man þone ƿteap aƿet. ƿ cýnſe .xii. ƿcill:.

xiii. ƿif man ƿærn abƿeƿðe þær mæn ðruncen. ƿ þær man nan ƿrel ne ðeð. ƿcilling þan þe þ̅ flet aƿe. ƿ cýnſe .xii. ƿcill:.

xiv. ƿif þ̅ flet ƿelðoðƿað ƿýrðe. ƿorƿýlðe þem mæn hiƿ mund-býrð ƿ cýnſe .l. ƿcill:.

xv. ƿif man cuman ƿeorpmæð .iii. niht an hiƿ aƿenum hame. cepeman oþþe oðerne þe ƿio ^f oƿer mearce cuman. ƿ hine

^a That is—he was either to pay the money on the spot, or else to give security, on the oaths of others, for its payment at some future period. ‘Si quis ad æneum mallatus fuerit, et ille qui admallatus est manum suam redimat et juratores donet,’ &c. *Lex Salica*, Ref. tit. lv. c. 1.

^b In such case I presume he was to pay the money instantly, without being permitted to give security for it; and this on account of his contumacy. The value of the fine is not given. One hundred ‘shillings,’ or twice the amount of the king’s mund-byrd, would seem an incredible sum.

^c There will be some difficulty in making this law intelligible, unless we assume it to be a provision for a case of ‘withertihle,’ or what is now called a cross-action, and of which more will be said hereafter, Cn. P. c. 24. On such grounds we might perhaps explain it thus: If the defendant in such a suit as is spoken of in c. 8. should enter a cross-action, having given the security required by that law, and then the arbitrators should seek out the parties within three days, which is the usual course, unless indeed a longer time be desired by the plaintiff in the original suit; after the award is given, let the one do justice to the other within seven days, &c.

^d It would seem from the dooms of Alfred, c. 35, that ‘flet’ was a name given to the habitation of a ceorl, or of persons of an inferior degree.

^e The only known meaning of this term is a drinking-cup, or what in the North of England and in Scotland is called a stoup. On the authority of the *Norðhymbra ƿreorða Laga*, (c. 2.) we might translate ‘ƿif man oðrum ƿteop aƿette’ ‘if any one remove a stoup from

man do justice to the other within seven days; let him satisfy him either in money ^a or with an oath, whichever be desired by him; but if he will not do this, then let him pay c. ^b without an oath: within one day after, let them settle^c.

11. If one man call another perjurer, in another's ^d 'flet,' or shamefully bespeak him with abusive words, let him pay a shilling to him who owns the 'flet,' and vi. shillings to him to whom he said the words, and xii. shillings to the king.

12. If a man ^e 'rteap ajette' to another, where men are drinking unoffendingly; according to ancient usage, let him pay a shilling to him who owns the 'flet,' and vi. shillings to him to whom he the 'rteap ajet,' and xii. shillings to the king.

13. If a man draw a weapon where men are drinking, and no harm be done there; a shilling to him who owns the 'flet,' and xii. shillings to the king.

14. If the 'flet' be stained with blood, let him pay to the man his 'mund-byrd,' and L. shillings to the king.

15. If a man entertain a stranger for three nights at his own home, a chapman or any other who has come ^f over the march,

another;' but on what grounds such an act would constitute an offence the contemporaneous and later documents afford us no instruction. If the meaning of 'ajettan' might be extended by implication, the Frisian laws make mention of an offence which is the only one I have found recorded bearing any analogy to the present law: 'Hwansoma mith coppe and mith byare under sine aghene werpþ so is thi bote vi. engelles; holth hi thine cop and swength hi meth ta byare iii. engeles: If any one with a cup and with beer casts (it) upon another under the eyes, so is the bote six angels; if he hold the cup and pour the beer upon him, three angels.' *Hemstra Boten ap. v. Schwartzberg*, i. p. 107. And again, in the Emsingoer Land-Recht, '...thi lereste swang hwane sa mith biare iesta mit wathere suangt ane skell: The smallest (kind of) drenching, (or) when any one pours beer or water over another, one shilling.'

^f This expression occurs again in Wihtræd's Dooms, c. 8. 'Lif man hif mæn an piofoþe ffeolþ ȝefe. ȝe ȝe folc fpy. ffeolþ-ȝefa aȝe hif epre. ænþe þep-ȝelb. ȝ munþe þape hina. ȝe ofep meapce þær he pille: If any one give his man his freedom at the altar, let him be folk-free; let the giver have his property and werigild and mund of his family, let him be over the boundary wherever he may be.' This can hardly mean the marches or the boundaries of the kingdom of Kent, but rather the limits of the estate of the lord who had conferred the freedom. It is thus that at a later period a provision is made for taking a woman 'out of the land' on her marriage, but which is immediately explained to mean from one thane's land to that of another: 'Lif hy þonne ut of lanþe læban pille on oðþer þegener lanþ, &c.: If, however, they wish to take her off the land to another

þonne hīr mete fæde. ⁊ he þonne ænigum mæn ŷfel gædo. ⁊e
man þane oðerne æt rihte geþrenge. oþþe riht forþ-ŷpnce:

xvi. Līf Lantpapa ænig in ^aLunden-ric feoh gebýcge-
hæbbe him þonne tpegen. oþþe þreo. unfacne ceoplar to ge-
ritnerre. oþþe cýninges ric-geþeran. Līf hit man eft æt
þam mæn in Lænt ætƿo. þonne tæme he to ric to cýngæs
fele. to þam mæn þe him féalde. Ʒif he þane rihte. ⁊ æt þam
teame geþrenge mæge. Ʒif he þ ne mæge. Ʒekýþe þanne in
riofode. mid hīr Ʒepýtena anum. oþþe mid cýninges ric-geþe-
ran. þ he þ feoh undeornunga hīr cuðan ceape in ric gebohte.
⁊ him man þanne hīr peopð aƷefe. Ʒif he þanne þ ne mæge
Ʒecýþan. mid rihtre canne. ^blæte þanne ān. ⁊ ⁊e aƷend
to-fō:

thane's land, &c.' The following passages, taken indiscriminately from various charters, seem to leave no doubt as to import of the term in both laws: 'Ðiŷ riub þa land-meapca to Býlgesdene: These are the landmarks (or boundaries) of Bylgesdene.' 'Ænðlang þar bupnan þæt hit cýmeð to Orrýðes-meapce ⁊ Eabpolder: Along the brook till it comes to Oswyth's boundary and Eadwold's.' 'Ænðlang Lŷpyn-bupnan þæt hit cýmð to Mannan-meapce: Along Cwyrn-burne till it comes to Man's-boundary.' 'Of Mærbupnan eaƷt æfter meapce to Sanð-gæte: From Mær-bourne east along the boundary to Sand-gate.' 'Æfep ut Sanð-gate þar þa þreo mapce toƷæbepe Ʒæð: First from Sand-gate where the three boundaries meet together.'

^a Mr. Somner, in his 'Ports and Forts,' p. 9, contends that Lunden-wic in this passage means Sandwich. The grounds for such an inference are alleged to be the improbability of a Kentish king making a law for purchases made in the Mercian city of London: the impracticability of carrying any such law into execution; and above all, the use of Lunden-wic as a name for Sandwich, in the following charter of Offa: 'Ego Offa rex Merciorum, suggerente Maginario abbate . . . de terra illa quæ est in loco illo in portu, viz., qui nuncupatur Lundenuic, ubi duo fratres Agonauuala seu Sigrinus omnem suam possessionem . . . Sancto Dyunizio, in Francia, dederunt, ego quoque censum omnem, quod in parte mea jure accipere debui et ad usus proprios adhuc retinebam, sive in auro, sive in argento, sive in redditibus aliis, totum abbati Maginario . . . concedo,

and then feed him with his own food, and he then do harm to any man, let the man bring the other to justice, or do justice for him.

16. If any Kentish-man buy a chattel in ^a 'Lunden-wic,' let him then have two or three true men to witness, or the king's 'wic'-reeve. If it be afterwards claimed of the man in Kent, let him then vouch the man who sold it him to warranty, in the 'wic' at the king's hall, if he know him, and can bring him to the warranty; if he cannot do that, let him prove at the altar, with one of his witnesses or with the king's 'wic'-reeve, that he bought the chattel openly in the 'wic,' with his own property, and then let him be paid its worth: but if he cannot prove that by lawful averment, ^b let him give it up, and let the owner take possession of it.

ita ut nec ego, nec posteriores mei, redditum aliquem exinde reposcant, neque recipiant.' *Felibien. Hist. de S. Denis, preuves*, lxii. If it could be proved that at any time Sandwich had borne the name of Lunden-wic, the question would be settled; but unhappily we have only Mr. Somner's interpretation of the document just cited for such an opinion; a document, as we have seen, granted by a Mercian king. The difficulties are almost equally great, whether we understand London or Sandwich; but before we accept the latter as the place intended, some reason should be given why Sandwich is distinguished in the text from the rest of Kent, and put as it were in opposition to it; and again, why we are to reject the evidence of the Saxon Chronicle, which expressly calls London Lunden-wic: 'DC.IV. Anð Æðelbepht gerealde Mellite bycop-ŕeðle on Lunðen-wic: And Ethelberht gave Mellitus the bishoprick of London.' The knot might be cut by supposing this law a later addition.

^b 'Si quis rem furtivam sibi surreptam esse asserat, civibus adhibitus eam concipito usque ad comitium. Deinde, duobus testibus adductis, ipsemet duodecim jurato, ea bona sibi furto subtracta esse, seque illic primum ea offendisse, sibiŕe asseruisse. Reus autem, defensor bonorum, sese furti crimine purgare volens duos testes adducito, juratoŕe ipsemet sextus, se eas res in foro pretio justo emisŕe, seque nec furem nosŕe nec furti reum esse. Postremo duodecim ipsemet jurato, quanti eam emerit rem pretioŕe careto.' *Slesvig's nyere Stadsret*, c. xxvi.

PIŢTRÆDES DOOMAS.

ÐIS SYND *PIŢTRÆDES DOOMAS LANTPAPA LYNINGES.

Ðam mildertan cýninge Lantpapa Þihtpæde. þuxigendum
þe riſtan pinto þiſ riceſ. þý niġuðan gebanne. rextan
ðæge ^b Ruġerner. in þære rtope þý hatte Berġhamrtyðe.
þær þær ġeramnad eadiġra ^c ġeþeahthenblic ýmeýme. þær
þær Þihtpald Bnetone heah-biſcop. 7 re æpnaemda cý-
ning. eac þan Ðroſceartre biſceop. 7e ilca Gýbmund
þær haten. andþearð þær. 7 cpæð ælc hað ciſucean þære
mæġðe anmodlice mid þý hepſuman folcý. Ðær þa
eadiġan fundon mid ealra ġemedum þar ðomaſ. 7 Lantpapa
þihtum þearum æcton. 7pa hit hýr eſter reġeð 7
cpýð:.

*L.ſpeolſtom. I. Liſicean * ^dſpeolſðome ġaſola. 7 man ſop cýning ġe-
biððe. 7 hine buton neaðhære heopra pillum peopðigen:.

II. Liſicean mund-býrð 7ie .L. 7cill. 7pa cingep:.

III. Unþiht-hæmede mæn to þihtum liſe mid 7ýnna hpeope
to-ſon. oþþe of ciſucean ^e ġemanan aſcadene 7nen:.

* WIHTRÆD, according to Bede, *Hist. Eccles.* v. 23, died on the 23d of April 725, having reigned thirty-four years and an half. This would place his accession towards the close of the year 690. Brihtwald was elected archbishop of Canterbury on the 1st of July 692, and consecrated on the 29th of June 693. He died on the 13th of January 731. *Bede*, v. 8. 23. Gebmund's death is mentioned loosely under the year 693, in the Saxon Chronicle. The Indiction would agree with 696. The place of meeting may have been Berham, near Canterbury: Berkhamsted, being in Mercia, seems out of the question. Several of the ecclesiastical provisions in these dooms appear to have been founded on the canons of the synod of Hertford, held in the year 673. Vide Bed. iv. 5.

^b The published menologies take no notice of this month.

^c The ms. reads *geheahthenblic*, an obvious mistake.

^d The text seems to have been 'ſpeolſ ðome 7 ġaſole,' or some similar form conveying the same meaning. Thus we have in a

THE LAWS OF KING WIHTRÆD.

THESE ARE THE DOOMS OF ^a WIHTRÆD, KING OF THE KENTISH-MEN.

In the reign of the most clement king of the Kentish-men, Wihtræd, in the fifth year of his reign, the ninth indication, the sixth day of ^b Rugern, in the place which is called Bergham-styde, where was assembled a deliberative ^c convention of the great men: there was Birhtwald archbishop of Britain, and the fore-named king; also the bishop of Rochester, the same was called Gybmund, was present; and every degree of the church of that province spoke in unison with the obedient people. There the great men decreed, with the suffrages of all, these dooms, and added them to the lawful customs of the Kentish-men, as it hereafter saith and declareth.

1. To the Church ^d freedom from imposts, and that the king be prayed for, and that they revere him of their own will, without command.

2. That the 'mund-byrd' of the Church be L. shillings, as the king's.

3. That men living in illicit intercourse take to a righteous life, with repentance of their sins; or that they be separated from ^e communion with the Church.

charter contained in the register of Sherborne, f. 29, 'pæt hȳc ȝƿ færclice ȝ unapenbeðlice ā ecelice ȝeƿpeoð ealra cýnelicra ȝ ealþor-ðomlicra ƿeoþboma. ȝe ƿeoƿfenȝceȝ ȝe æȝhpýlcepe uneaðneȝƿe ealles ƿopolðliceȝ bƿoceȝ buton ƿýpðroene ȝ buþhȝeƿeoſce ȝ bƿeȝȝeƿeoſce: So that it be firmly and irreversibly and eternally freed from all royal and ealdormanic services, as well of thief-fang as every kind of trouble from secular duties, except military service and repairing of fortresses and repairing of bridges.' A Latin charter of Ethelwulf, of the year 844, is still more explicit: 'Ut sit tuta atque munita ab omnibus secularibus servitutibus, fisci regalibus, tributis majoribus et minoribus sive taxationibus quod nos dicimus Witeræden, sitque libera ab omnibus causis regalibus pro remissione animarum et peccatorum nostrorum Deo soli ad serviendum sine expeditione et pontis instructione et arcis munitione.'

^e The ms. reads *ȝenaman*.

iv. Ælþeodige mæn gif hio hiora hæmed rihtan nýllað. of lande mid hiora æhtum 7 mid rýnnum 7eriten. ^a ƿræpe mæn in leodum cƿuclicæ 7ermanan un7er7roðýne þoligen ^b.

v. Gif þær 7eƿeopðe. ^c 7erðcundne mannan. ofen þiſ 7emot. þ he unriht hæmed 7enime. ofen cingæſ beboð. 7 biſcoper 7 boca dom. 7e þ 7ebete hiſ ðriýhtne .c. 7cill. an ealð neht. Gif hit ceopliſc man 7ie. 7ebete .L. 7cill. 7 7ehſæðen þ hæmed mid hſeoſe 7oplaete.

* 7. fulrihte. vi. Gif 7riop7 læſe unriht hæmed. ofþe * 7ulſihðe untſu- meſ 7opſitte. ofþe to þon ðruncen 7ie. þ he ne mæge. 7io he 7ille hiſ þegnungæ. oð biſcoper ðom.

vii. Gif beſcopen man ^c 7teopleaf 7ange ^d him an 7er7-hð- neſſe 7eſe him man æneſ. 7 þ ne 7eƿeopðe. buton he leaſ- neſſe hæbbe. þ hine man læng 7eopmige.

viii. Gif man hiſ mæn an 7ioſoðe 7ſeolſ 7eſe. 7e 7ie 7olc- 7ſý. 7ſeolſ-7eſa aze hiſ eſſe. ænde 7er-7elð. 7 munde þaſe hina. 7ie ofen meapce þær he 7ille.

ix. Gif eſne ofen ðriýhtneſ hæſe þeoſ-peoſc 7ýſce. an ^c 7unnan æfen. eſter hiſe 7etl-7ange. oð monan æſeneſ 7etl- 7ang .Lxxx. 7cill. 7e ðriýhtne 7ebete.

x. Gif eſne ðeð ^f hiſ 7aðe þær ðægeſ .vi. * 7e 7ið ðriýhten 7ebete. ofþe 7ine ^g hýð.

^a [Mr. Price had rendered 7ræpe mæn by 'inland strangers.' I am unable to discover any authority for this interpretation, and doubt its accuracy. ƿræp is the M. G. s w e s, and signifies *proprius*, *own*. — *T.*]

^b The tenth canon of the synod of Hertford is to this effect: 'Decimum, pro conjugii: ut nulli liceat nisi legitimum habere conubium. Nullus incestum faciat; nullus conjugem propriam, nisi, ut sanctum evangelium docet, fornicationis causa relinquat.' Which Ælfred thus translates: 'Se teoða 7 7op 7erinhƿum. þæt nænigum alyſeð 7i butan ælicne 7erýnſcýpe habban. ne nænig mæx-hæmed ne unclæne 7rembe. ne nænig hiſ azen 7iſ 7oplaete nýmðe 7ſa þæt halze 7oſpell læpeð. 7op intenzan ðýnnſe 7opliſeneſſe.' *Bed.* iv. 5.

^c The fifth canon of the synod of Hertford is nearly to the same effect with this law: 'Quintum, ut nullus clericorum relinquens proprium episcopum, passim quolibet discurrat, neque alicubi veniens absque commendatitiis litteris sui præsulis suscipiatur. Quod si semel susceptus noluerit invitatus redire, et susceptor et is qui susceptus est excommunicationi subiacebit.' *Bed.* iv. 5.

^d [I have modified the interpretation of this law, as the one given by Wilkins, Price, and Schmid supposes an inversion of order in the

4. That foreigners, if they will not correct their fornication, depart from the land, with their goods and with their sins. Let ^a natives among the people forfeit communion with the Church, without expulsion ^b.

5. If it happen that a 'gesithcund' man, after this 'gemōt,' take to illicit intercourse, contrary to the king's command, and the bishop's and the books' doom; let him make a 'bōt' for it to his lord of c. shillings, according to ancient usage. If it be a 'ceorlish' man, let him make a 'bōt' of L. shillings; and let either with penitence desist from his fornication.

6. If a priest allow of illicit intercourse; or neglect the baptism of a sick person, or be drunk to that degree that he cannot do it; let him abstain from his ministry until the doom of the bishop.

7. If a shorn man go ^c wandering about for hospitality, let it be given him once; and, unless he have leave, let it not be that any one entertain him longer.

8. If any one give freedom to his man at the altar, let him be folk-free; let the freedom-giver have his heritage, and 'wer-geld,' and the 'mund' of his family, be he over the march wherever he may be.

9. If an 'esne' do any servile labour, contrary to his lord's command, from sunset on ^e Sunday-eve till sunset on Monday-eve, let him make a 'bōt' of Lxxx. shillings to his lord.

10. If an 'esne' so do ^f of his own accord on that day, let him make a 'bōt' of vi. * to his lord, or his ^g hide.

* scill.?

Saxon hardly admissible in prose composition, viz. 'If a shorn man go wandering about, let any one from hospitality supply him once,' &c. The word 'him' in the first line is apparently redundant.—*T.*]

^c That is, from sunset on Saturday until sunset on Sunday.

^f It would be natural to suppose a connection between this and the preceding law, such as we find between cc. 14. and 15. below; and that 'hȳ pabe' was either an equivalent or an error for 'hȳ rȳlfe pabe.' There was, however, a duty called a 'pabe,' a riding on the lord's errand, which may be the subject alluded to. [Such cannot be the signification of pāb in this place; for how could the law direct the 'esne' to pay a compensation to his lord, for having ridden on his (the lord's) errand? The meaning I take to be this: In c. 9. the 'bōt' is established for the case of an 'esne' who shall work contrary to his lord's command; but c. 10. fixes the 'bōt' to be paid by the 'esne' who shall work on Sunday simply of his own accord, *i. e.* without any prohibition (as in the preceding law) from his lord, and the 'bōt' is less in proportion to the delinquency. Mr. Price had rendered the law: 'If an 'esne' do his 'rade' on that day,' &c.—*T.*]

^g In the Barbaric laws also this term is applied to the servile

xi. Líf fuman þonne an þane forþodenan tīman. ȝio he
 a healƿ-ƿange ȝcýldiȝ. ȝ ȝe man. ȝe þ̅ anafie. he aȝe healƿ þ̅
 ȝite. ȝ þ̅ ȝeoƿe.

xii. Líf ceorl buton ȝiȝer ȝiȝdome deorlum ȝelðe. he ȝie
 * l. æhta. ealra hiȝ * æhtan ȝcýldiȝ. ȝ healƿ-ƿange. Líf butu deorlum
 ȝelðað. ȝion hio healƿ-ƿange ȝcýldiȝo. ȝ ealra * æhtan.

xiii. Líf þeup deorlum ȝelðað .vi. ȝcill. ȝebete. oþþe hiȝ
 hȝð.

xiv. Líf mon hiȝ ^bheorū in ȝæſten flæȝc ȝeȝe. ȝuȝne
 ȝe þeorne. halƿ-ƿange alȝȝe.

xv. Líf þeop ete hiȝ ȝýlȝer ȝæðe .vi. ȝcill. oþþe hiȝ hȝð.

xvi. Biȝcoȝer ȝoȝd ȝ cȝnīnȝer ȝie unlæȝne. buton aðe.

xvii. Oȝȝȝȝer alðoȝ hine cænne in ȝeoȝȝer ^ccanne.

xviii. ȝeoȝȝ hine clænȝie. ȝýlȝær ȝoðe. in hiȝ halȝum
 hiȝæȝle. ætȝoȝan ȝioȝoðe. þuȝ cȝeðende. ‘Ueritatē dico in
 X̅p̅o non mentior.’ Spȝlce diacon hine clænȝie.

xix. Eliȝoc. ȝeoȝra ȝum hine clænȝie. hiȝ heaȝoð-ȝemacene.
 ȝ ane hiȝ hanð on ȝioȝoðe. oðȝe æt-ȝtanðen ^dað abȝȝan.

xx. Læȝȝ hine clænȝie ȝýlȝer aðe. on ȝioȝoðe. ȝȝýlce cȝnīn-
 ȝer þenȝ.

xxi. Deorliȝc man hine ȝeoȝra ȝum hiȝ heaȝoð-ȝemacene on

classes: ‘Quod si servus in iudicio approbatus apparuerit, vel confessus fuerit, quanti res, quæ ablata fuerit, æstinabitur, tantum dominus pro servo componat, et servus vapulet, nisi dominus quatuor solidis *corium* ejus redimere voluerit.’ *Lex Fris.* tit. III. c. 7.

^a In the Custumal of Hen. I. this term is defined: ‘Est autem verbum Anglicum quod Latine sonat apprehensio colli.’ From the same chapter we learn that the composition of a thane for his halsfang was 120*s.* of ancient or 50*s.* of current money, and that of a ceorl one sixth less, or 30*s.*=12*s.* 6*d.* There is a dictum in the old Latin version of Cnut’s Laws, referred to below, somewhat at variance with this statement: ‘Qui vero steterit in falso testimonio et victus fuerit . . . persolvat regi aut domino terræ decem solidos quod Dani vocant halsfang.’ But the term ‘landrica’ in the original shews this enactment to have been borrowed from some text of the Dena-Lage; and in the districts where this law obtained 10*s.* may have been the amount of a ceorl’s halsfang.

^b This is the hiȝan, hiȝan, hian of the later documents.

11. But if a freeman [so do] at the forbidden time, let him be liable in his ^a 'heals-fang;' and the man who detects him, let him have half the 'wite,' and the work.

12. If a husband, without his wife's knowledge, make an offering to devils, let him be liable in all his substance and his 'heals-fang.' If both make offering to devils, let them be liable in their 'heals-fang,' and all their substance.

13. If a 'theow' make an offering to devils, let him make a 'bōt' of vi. shillings, or his hide.

14. If a man during a fast give flesh-meat to his ^b family, let him redeem, free or bond, with his 'hals-fang.'

15. If a 'theow' eat of his own will, vi. shillings, or his hide.

16. Let the word of a bishop and of the king be, without an oath, incontrovertible.

17. Let the 'aldor' of a 'minster' clear himself with a priest's ^c 'canne.'

18. Let a priest clear himself by his own sooth, in his holy garment before the altar, thus saying: 'Veritatem dico in Christo, non mentior.' In like manner, let a deacon clear himself.

19. Let a clerk clear himself with four of his fellows, and he alone with his hand on the altar, let the others stand by, ^d make the oath.

20. Let a stranger [clear himself] with his own oath at the altar: in like manner, a king's thane.

21. Let a 'ceorlish' man clear himself with four of his fel-

^c The legal form of defence observed by all defendants, and which is explained in the laws immediately following.

^d The translation follows the text, but in what sense this ceremony was to constitute the buying of an oath I have been unable to discover. If the terms 'að abyċzan' could be understood as referring to the compurgators, it might be received in the sense of the Old-English abyċ; that they were to abyċ or bear the issue of the oath. If we might suppose 'abyċzan' an error for 'alyċzan,' and this a varied form of 'aleczan, *deponere*,' then our difficulty would be surmounted. [The translation, upon which the preceding note is founded, was thus, 'Let a clerk, &c. . . . and he alone with his hand on the altar, the others standing by, (thus) purchase his oath.' I have ventured to modify this interpretation, 1st, because abyċzan refers to oðpe, *i.e.* the consacramentals; 2dly, because að abyċzan (whatever may be the signification of abyċzan taken absolutely) is, I doubt not, as a phrase, equivalent to our *make oath*.—T.]

peorðe. ʒ þiŕra ealra að ʒie unleŕnæ. Ðanne iŕ ciŕican canne ʒihte:.

xxii. ʒiŕ man biŕcoŕeŕ eŕne tihte oþþe cýningeŕ. cænne hine an ʒeŕeŕan hand. oþþe hine ʒeŕeŕa clenŕie. oþþe ʒelle to ʒŕinganne:.

* ʒoðeŕ?

xxiii. ʒiŕ man * ʒeðeŕ-þeupne eŕne in heora ʒe Mange tihte. hiŕ ðŕýhten hine hiŕ ane aðe ʒeclænŕie. ʒiŕ he huŕl-ʒe nŕa ʒie. ʒiŕ he huŕl-ʒe nŕa niŕ. hæbbe him in aðe oðŕne ærðan ʒoðne. oþþe ʒelðe. oþþe ʒelle to ʒŕinganne:.

xxiv. ʒiŕ ŕolceŕ-manniŕ eŕne tihte ciŕican-manneŕ eŕne. oþþe ciŕican-manneŕ eŕne tihte ŕolceŕ-manneŕ eŕne. hiŕ ðŕýhten hine ane hiŕ aðe ʒeclenŕie:.

xxv. ʒiŕ man ^aleuð oŕŕlea an þeoŕðe. licŕe butan ʒýŕ-ʒelðe:.

xxvi. ʒiŕ man ʒŕuŕne man æt hæbbenðŕe handa ʒeŕo. þanne pealðe ʒe cýning þŕeoŕa æneŕ. oþþe hine man cŕelle. oþþe oŕeŕ ʒæ ʒelle. oþþe hine hiŕ þeŕ-ʒelðe aleŕe. ðeþe hine ʒeŕð ʒe-ʒange. healfne hine aŕe. ʒiŕ hine man cŕelle. ʒeŕelle heom man .Lxx. ʒeill:.

xxvii. ʒiŕ þeup ʒtele ʒ ^bhi man aleŕe ^c.Lxx. ʒeill. * ʒŕa hŕeðeŕ ʒŕa cýning ʒille. ʒiŕ hine man acŕelle. þam aŕende hi man healfne aŕelðe:.

xxviii. ʒiŕ ŕeoŕŕan-cumen man. oþþe ʒŕæmðe. buton ʒeŕe ʒange. ʒ he þonne naŕðeŕ ne hŕýme. ne he hoŕn ne blaþe. ŕoŕ þeoŕ he bið to ʒŕoŕianne. oþþe to ʒleanne oþþe to alýŕenne:.

^a [A corruption or peculiarity of dialect for læpeð.—T.]

^b The accusative feminine is used twice in this law for the masculine. [For hi we no doubt ought to read hī, the contraction for hine.—T.]

lows at the altar; and let the oath of all these be incontrovertible: then is the church 'canne' right.

22. If any one make plaint against a bishop's 'esne' or the king's, let him clear himself by the person of the reeve; either let the reeve clear him, or give him up to be scourged.

23. If any one make plaint against a priest's 'esne' in their congregation, let his lord clear him with his sole oath, if he be a communicant; if he be not a communicant, let him have with him in the oath another good 'æwda;' or let him pay, or give him up to be scourged.

24. If a layman's 'esne' make plaint against a churchman's 'esne,' or a churchman's 'esne' make plaint against a layman's 'esne;' let his lord clear him with his sole oath.

25. If any one slay a ^alayman while thieving; let him lie without 'wer-geld.'

26. If a man seize a freeman with stolen goods upon him, then let the king have power of one of three things: either that he be slain, or sold beyond sea, or redeemed with his 'wer-geld.' Whoever shall seize and secure him, let him have half of him; if any one slay him, let him be paid lxx. shillings.

27. If a 'theow' steal, and ^bhe be redeemed, ^clxx. shillings * as the king may choose; if any one slay him, let half his value be paid to the owner.

28. If a man come from afar, or a stranger, go out of the [high] way, and he then neither shout nor blow a horn; he is to be accounted a thief, either to be slain, or to be redeemed.

^c It will be seen by the context that the transcriber has made an omission here, though there is no hiatus in the ms.

ÆLFREDES DOMAS.

^a ÆLFREDES DOMAS.

Exodus,
xx. 1, 2.

¹Druhten pær fræcende ²þær forð to Mōyre. ⁊ þur cƿæð.
Ic ³eam Druhten' þin God. ⁴Ic þē út' ⁵zelædde of Ægýpta
⁶londe. ⁊ of ⁷hiora þeopdome:

3. I. Ne luſa þu oðre fræmde godaſ ofen ⁸mē:

7. II. Ne minne ⁹noman ne ciȝ þu on ¹⁰idelneſſe. forþon þe'
þu ne ¹¹birt unſcýlbiz rið me. ȝif þu on idelneſſe ¹²ciȝſt
minne ¹³noman:

8-11. III. ¹⁴ſemýne þ þu ¹⁵ȝehalgize þone ¹⁶ſæſte-dæg. ¹⁷Þýr-
ceað eop ¹⁸ſýx daȝaſ. ⁊ on ¹⁹þam ²⁰ſeofoðan ſeſtað eop^b.
²¹Forþam on ²²ſýx daȝum Driȝt ȝeſoſhte heopenaſ ⁊ eorðan.
²³ſæſ ⁊ ealle ȝeſceaſta þe on ²⁴him ſýnt. ⁊ hine ȝeſeſte on
þone ſeofoðan dæg. ⁊ ²⁵forþon Druhten' hine ȝehalgode:

12. IV. Ana þinum fræder ⁊ þinne ²⁶medder þa þe Druhten ſealde-
²⁷þ þu ²⁸ſie þý' lenȝ libbenðe on eorðan:

13. V. Ne ²⁹ſleah þu:

14. VI. Ne lige þu ³⁰deapnenga:

15. VII. Ne ſtala þu:

16. VIII. Ne ³¹ſæȝe þu leaȝe ³²ȝeſitneſſe:

17. IX. Ne ³³ſilna þu þineſ ³⁴nehſtan ſeſſeſ' mið ³⁵unſýhte:

23. X. Ne ³⁶þýrc ³⁷[þu] þe ³⁸ȝýlbne ȝodaſ ofþe ³⁹ſeoſſene:

¹Druhten *H.* ²~*G.* ³eam Druhten *H.* ⁴~*G.* ⁵zelæde *H.* ⁶lanbe
G.H. ⁷hýra *G.* heopa *H.* ⁸~*G.* ⁹naman *G.H.* ¹⁰ýdelneſſe
forþam *H.* ¹¹býrt *G.H.* ¹²ȝecýȝſt *H.* ¹³naman *G.H.* ¹⁴ſemune
G. ſemun *H.* ¹⁵ȝehalgie *G.H.* ¹⁶ſeſte-*G.* ſeſten-*H.* ¹⁷þýrceað
G.H. ¹⁸vi. *G.* ¹⁹þone *G.* ²⁰ſeofoðan *G.H.* ²¹Forþan *G.* ²²vi.

^a ALFRED succeeded to the crown of Wessex, on the death of his brother Æthered, in the year 871, and died in 901. His laws, chronologically, should follow those of Ine; but, for the reason already assigned in the preface, they are here placed as they occur in all the mss.

The text is taken from a ms. in the library of Corpus Christi College, Cambridge, marked in the catalogue 173, and here distinguished by the letter *E*. The variations are from another ms. in the same library, numbered 384, *B*.; the Cottonian ms. Nero A. 1., *G*.; and the Textus Roffensis, *H*. The mss. *B*. and *G*. are imperfect.

THE LAWS OF KING ALFRED.

* ALFRED'S DOOMS.

The Lord spake these words to Moses, and thus said : I am the Lord thy God. I led thee out of the land of the Egyptians, and of their bondage.

1. Love thou not other strange gods above me.
2. Utter thou not my name idly, for thou shalt not be guiltless towards me if thou utter my name idly.

3. Remember that thou hallow the rest-day. Work for yourselves six days, and on the seventh rest ^b. For in six days Christ wrought the heavens and the earth, the seas, and all creatures that are in them, and rested on the seventh day : and therefore the Lord hallowed it.

4. Honour thy father and thy mother whom the Lord hath given thee, that thou mayst be the longer living on earth.

5. Slay thou not.

6. Commit thou not adultery.

7. Steal thou not.

8. Say thou not false witness ^c.

9. Covet thou not thy neighbour's goods unjustly.

10. Make thou not to thyself golden or silver gods.

G. ²³ *ræ* *G.* and *ræ* *H.* ²⁴ *hým* *finbon* *G.* *heom* — *H.* ²⁵ *forþan* *G.* *forþam* *Dpýhten* *H.* ²⁶ *meþen* *G.H.* ²⁷ *þe* *add.* *H.* ²⁸ *ry* *þe* *H.* ²⁹ *plea* *G.* ³⁰ *þeapnunga* *G.* *þeopnunga* *H.* ³¹ *rege* *G.* ³² *geþitnesrea* *G.* ³³ *geþilna* *H.* ³⁴ *nehrtan* *G.* *nyhrtan* *yrfer* *H.* ³⁵ *unrihte* *G.* ³⁶ *pýpce* *G.* ³⁷ *G.H.* ³⁸ *zylbene* *G.H.* ³⁹ *rylfene* *G.H.*

[Where *E.* is manifestly corrupt, I have not scrupled to adopt in the text the more correct readings of the other mss., placing those of *E.* among the variations.—*T.*]

^b Lambard here adds : ‘*þu 7 þin sunu 7 þine dohter 7 þin þeope 7 þine wylne 7 þin weorc-nýten 7 re cuma þe bið binnan þinan dūpum : thou and thy son, and thy daughter, and thy theow, and thy female slave, and thy working-neat, and the comer who is within thy doors.*’ His authority for this insertion has not been discovered.

^c Lambard adds : ‘*wið þinum nehrtan : against thy neighbour.*’

Exodus,
xxi. 1-6.

xi. Ðiſ 1ſýnt þa domas þe þu 2him ſettan ſcealt. 3Liſ hƿa 3gebycge cƿiſtenne þeop. 4.vi. gear 5þeopige he. 6þý ſio-
foðan' beo he 7ſiuh oſceapunga. 8Wið 8ſpelce hƿægle' he
in eode. mið 9ſpelce 10gange 11he 12út. Liſ he 13ſiſ 14ſelſ
hæbbe. 15gange 15hio út mið him. 16Liſ ſe hlaſorð him
þonne ƿiſ ſealde. 17ſie hio' ƿ 18hine bearn 19þæſ hlaſorðer.
20Liſ ſe þeopa þonne 21cƿæðe. Nelle ic 22ſrom minum hla-
ſorðe. ne 22ſrom minum ƿiſe ne 22ſrom minum bearnne. ne
22ſrom minum 23ieſſe. brenge' hine þonne hiſ hlaſorð 24to
þæſ templeſ duna. ƿ þurh-25þýſlige hiſ éape mið 26æle. to
tácne þ he 27ſie æſſe 28ſiþþan þeop.

7-11.

xii. Deah hƿa a29bebýcge hiſ dohtor 30on þeopenne. ne
31ſie 32hio ealleſ ſƿa þeopu ſƿa 33oðru mennenu. Nage he
34hie ut on 35elþeodig ſolc to 36bebýcgganne. Ac ƿiſ he
37hine ne ſeccc. ſeþe 38hie bohte. læte 38hie 39ſreo on 40elþeo-
dig ſolc. Liſ þonne he 41aleſe hiſ 42ſuna mið to hæmmanne.
b43ðo 44hieſe ƿýſta. c ƿ 45locige þ 46hio hæbbe' 47hƿægl. ƿ þ
þeopð 48ſie 49hine mægð-hader. þ 50iſ 51ſe 52ſeotuma. 53aƿiſe
he 54hine þone. Liſ he 55hine 56þara nan ne do. þonne 57ſie
58hio ſiuh:

12, 14.

xiii. Se 59mon ſeþe' 60hiſ ſeþealder 61monnan oſſlea. ſpelte
ſe deaðe. Seþe 62hine þonne 63neder oſſloge. oþþe unpillum
64oþþe ungeþealder. 65ſpelce hine' 66to ſƿa ſende on 66hiſ
67honda. ƿ he 68hine ne 69ýmbrýſede. 70ſie he 71þeopſe ƿýrðe
ƿ ſolc-72ſýhtſe bôte. ƿiſ he 73ſiuh-ſtope ſeſe. 74Liſ hƿa
þonne oſ 75ſieſneſſe ƿ ſeþealder oſſlea 76hiſ þone 77nehſtan

1 ſýndon *G.* ſint *H.* 2 heom *H.* 3 gebýcge *G.H.* 4 ſýx *H.* 5 þeopie
H. 6 þi ſeofoðan *G.* and on þam - *H.* 7 ſreo oſceapunga *H.*
ſreoh - *G.* 8 ſpelce *H.* 9 ſpýlce ſeaſe *H.* 10 ſpilce *G.* ſpýlce *H.*
11 za *G.* 12 not in *H.* 13 - *G.* utt *H.* 14 - *G.* 15 ſiſ *H.* 16 ſýlſ habbe
G. 17 heo *H.* 18 - *G.* 19 Liſ *H.* 20 ſiſ *H.* 21 cƿæðe. *G.* 22 ſrom *G.H.* 23 ƿiſe bſýnſe
G. - bſýnſe *H.* 24 æt þaſ *G.* to þaſe *H.* 25 þýſlige *G.* - þýſlige *H.*
26 æle *G.* ane *H.* add. 27 ſý *H.* 28 ſýþþan *G.* 29 gebýcge *G.H.* 30 to
þeopſe *H.* 31 beo heo alleſ ſƿa þeop ſƿa oðer þeop ƿiſman *H.*
32 he *G.* 33 oðre *G.* 34 hi *G.* 35 hý utt *G.* 36 ælþeodig *G.H.*
37 bebýcganne *G.* ſýllanne *H.* 38 hý *G.H.* 39 þaram

* [For gebýcge of the mss., I have, with Wilkins, adopted the correct reading of Lambarde.—*T.*]

b [Whether the phrase 'ƿýſta ðón' ſignifies (as I am inclined to think) 'nuptias facere,' or, as Mr. Price had rendered it, 'do [unto her] marriage-gifts,' is uncertain. In the ſingular, ƿýſta (and ƿýſte) may ſtand both for gift, *dos*, and for marriage; but uſed in the plural, as in this law, its uſual ſignification is *nuptiæ*. In *Exod.*

11. These are the dooms which thou shalt set for them. If any one buy a Christian 'theow,' let him serve vi. years; the seventh he shall be free without purchase. With such raiment as he went in, with such go he out. If he have a wife of his own, go she out with him. If, however, the lord have given him a wife, be she and her child the lord's. But if the 'theow' should say: 'I will not from my lord, nor from my wife, nor from my child, nor from my goods;' let his lord then bring him to the door of the Temple, and bore his ear through with an awl, in token that he ever after shall be a 'theow.'

12. Though any one sell his daughter to servitude, let her not be altogether such a 'theowu' as other female slaves are. He ought not to sell her away among a strange folk. But if he who bought her reckon not of her; let her go free among a strange folk. If, however, he allow his son to cohabit with her^b, let him marry her: 'and let him see that she have raiment, and that which is the worth of her maid-hood, that is, the dowry; let him give her that. If he do unto her none of these things, then let her be free.

13. Let the man who slayeth another wilfully perish by death. Let him who slayeth another of necessity or unwillingly or unwilfully, as God may have sent him into his hands, and for whom he has not lain in wait, be worthy of his life, and of lawful 'bōt,' if he seek an asylum. If, however, any one presumptuously and wilfully slay his neighbour through guile, pluck

G. add. f̃pize *H.* ⁴⁰ ælþeobiz *G.H.* ⁴¹ alýfe *G.* '—hýr *H.* ⁴² þuneá *G.* ⁴³ '—*G.* ⁴⁴ hýpe ȝifca *G.H.* ⁴⁵ and *add.* *H.* locie *G.H.* ⁴⁶ heo *H.* '—habbe *G.* ⁴⁷ hpæzl *G.H.* hpæxle *E.* ⁴⁸ rý *H.* ⁴⁹ hýpe *G.H.* ⁵⁰ hýr *H.* ⁵¹ rie *G.* ⁵² p̃cuma *G.H.* ⁵³ and *H.* *add.* agýfe *G.* ⁵⁴ hýpe *G.* '—þene *H.* ⁵⁵ hýpe *H.* ⁵⁶ þæpa *G.H.* ⁵⁷ rý *H.* ⁵⁸ heo f̃peoh *G.H.* ⁵⁹ man þe *G.H.* ⁶⁰ hýr *H.* ⁶¹ man *G.H.* ⁶² hýne *G.* ⁶³ nyder *G.* 'neaber ofplea *H.* ⁶⁴ ungepiller *H.* ⁶⁵ r̃p̃lee *G.* '—hýne *H.* ⁶⁶ hýr *G.* ⁶⁷ hanba *G.H.* ⁶⁸ hýne *G.* him *H.* ⁶⁹ ýmbe r̃eþebe *G.* —r̃ýp̃be *H.* ⁷⁰ rý *H.* ⁷¹ hýr *H.* *add.* ⁷² '—p̃ihtre bot *G.* ⁷³ f̃p̃ð-*rcopa G.* ⁷⁴ Lýf *H.* ⁷⁵ ȝeopnnerfe *G.H.* ⁷⁶ hýr *H.* ⁷⁷ nyehrtan *G.* nýhrtan *H.*

xxi. 10. the plural ȝifca is the translation of *nuptias*, but, *ib.* xxii. 17. (where it is used in the singular) the passage 'reddat pecuniam juxta modum *dotis* quam virgines accipere consueverunt,' is rendered 'ȝilbe be þæne ȝifcan mæpe.' In the Scandinavian tongues, *married* is constantly expressed by 'gift.'—*T.*

^c [I have inserted] before locize from *H.* as necessary to the sense.—*T.*]

þurh ¹gearpa. alūc' þu ²hine fram ³minum peofode. to þam þe he deaðe rpehte:

Exodus,
xxi. 15.

xiv. Seþe rlea hīr fæder oþþe hīr ⁴modor. re rceal deaðe ⁵rpehtan:.

16, 17.

xv. Seþe ⁶rpeone forrteale' y ⁷he ⁸hine ⁹bebȳcge. y hit ¹⁰[hȳm] onbereteled ¹¹rie. ꝥ he hine ¹²bereccan ne ¹³mæge. rpehte re deaðe. Seþe ¹⁴perge hīr fæder oþþe ¹⁵hīr modor. rpehte re deaðe:.

18, 19.

xvi. Līf hpa rlea ¹⁶hīr þone ¹⁷nehrtan mid rtane oþþe mid fȳrte. y he þeah ¹⁸ūt ¹⁹ganȝan mæge' ²⁰bī rtafe. beȝite' him læce. y rȳnce hīr peorc þa ²¹hpile þe he ²²relf ne mæge:.

20, 21.

xvii. Seþe rlea hīr aȝenne þeorne eorne oþþe hīr ²³mennen. y he ne rȳ ²⁴idægeȝ deað. þeah he ²⁵libbe tpa ²⁶nīht oþþe þreo. ne ²⁷bīð he ealles rpa ²⁸reȳldig. ²⁹forþon þe' hit ræȝ hīr aȝen ³⁰reoh. Līf he þonne ³¹rie idægeȝ deað. þonne rītte ³²reo reȳld on him:.

22, 23.

xviii. ³³Līf hpa on ³⁴ceafe eācnienð' rīf ³⁵ȝereȝde. bete' þone ³⁶æpēðlan. rpa ³⁷him ³⁸ðomeȝar ³⁹ȝereccen. ⁴⁰Līf ⁴¹hio deað ⁴²rie. ⁴³rele rpele rīð rpele:.

24.

*hond? *fof? xix. ⁴⁴Līf hpa' oðrum ⁴⁵hīr eage ⁴⁶oþðo. ⁴⁷rele hīr aȝen ⁴⁸fope. toð ⁴⁹fope teð' ⁵⁰*honda rīð' ⁵¹honda. *fet ⁵²fope fet. bærnīng fope bærnīnge. pund rīð ⁵³punde. læl' rīð læle:.

26, 27.

xx. Līf hpa ⁵⁴ārlea hīr ⁵⁵peōpe oþþe hīr ⁵⁶peopenne ꝥ eage ⁵⁷ūt. y he þonne ⁵⁸hī ȝedo ⁵⁹ān-īȝge. ȝeoȝreoȝe' ⁶⁰hīe forþon. Līf' he þonne þone toð of-ārlea. ðo ꝥ ⁶¹ilce:.

28-31.

xxi. ⁶²Līf oxa oꝥnīte per oþþe rīf ꝥ ⁶³hie deaðe' ⁶⁴rien. rie' he mid rtanum ⁶⁵oꝥporpōð y ne ⁶⁶rie hīr flæȝc ⁶⁷ēten. Se hlāforð ⁶⁸bīð unȝeȳldig. ȝīf re oxa hnitol ræpe tpaam ðaȝum ær oþþe ⁶⁹þum y ⁷⁰re hlāforð hit ⁷¹nȳrte. ȝīf he hit þonne' rīrte y ⁷²he hine ⁷³inne betȳnan nolde. y he þonne per oþþe rīf oꝥroge. ⁷⁴rie he mid rtanum ⁷⁵oꝥporpōð. y ⁷⁶rie re hlāforð

¹ rȳpa G. ² rȳprunȝe H. ³ minan G. ⁴ mōder rpehte re deaðe H. ⁵ rȳrtan G. ⁶ rpeonne forrtele G. - forrteleð H. ⁷ not in G. ⁸ hȳne H. ⁹ bebȳce G.H. ¹⁰ G. ¹¹ rȳ H. ¹² bereccan G.H. ¹³ mæge G. ¹⁴ rȳnge G. rȳne H. ¹⁵ not in G. ¹⁶ hȳr H. ¹⁷ nȳhtan H. ¹⁸ ut H. ¹⁹ ganȝen mæge G. ²⁰ be rtafe. beȝite G.H. ²¹ hpyle H. ²² rȳlf G.H. ²³ rīmen H. ²⁴ þȳ bæȝer G. ²⁵ lȳbbe G. ²⁶ nȳht H. ²⁷ bȳð H. ²⁸ reȳlbȳȝ G. ²⁹ forþan G. ³⁰ reoh G. ³¹ peop H. ³² bȳð H. ³³ reo G.H. ³⁴ Līf G. ³⁵ ceafe G. ³⁶ - eacnienðe E. eacnienð H. ³⁷ hȳm G. ³⁸ ðemeȝar H. ³⁹ ȝetæcan G.

thou him from my altar, to the end that he may perish by death.

14. He who smiteth his father or his mother, he shall perish by death.

15. He who stealeth a freeman, and selleth him, and it be proved against him so that he cannot clear himself; let him perish by death. He who curseth his father or his mother, let him perish by death.

16. If any one smite his neighbour with a stone or with his fist, and he nevertheless can go out with a staff; let him get him a leech, and work his work the while that himself may not.

17. He who smiteth his own 'theow-esne' or his female slave, and he die not on the same day; though he live [but] two or three nights, he is not altogether so guilty, because it was his own property; but if he die the same day, then let the guilt rest on him.

18. If any one, in strife, hurt a breeding woman, let him make 'bōt' for the hurt, as the judges shall prescribe to him. If she die, let him give soul for soul.

19. If any one thrust out another's eye, let him give his own for it; tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe.

20. If any one smite out the eye of his 'theow' or of his 'theowen,' and he then make them one-eyed; let him free them on this account. And if he smite out a tooth, let him do the like.

21. If an ox gore a man or a woman, so that they die, let it be stoned, and let not its flesh be eaten. The lord shall not be liable, if the ox were wont to push with its horns for two or three days before, and the lord knew it not; but if he knew it, and he would not shut it in, and it then shall have slain a man or a woman, let it be stoned; and let the lord be slain, or the

zepeccan *H.* 40 *Lýf G.* 41 *heo G.H.* 42 *rý H.* 43 *rýlle G.H.*
 44 *Lýf G.* 45 *hýr G.H.* 46 *ofo H.* 47 *rýlle G.H.* 48 *for H.*
 49 *for H.* 50 *toð G.* 51 *hanba H.* 52 *for G.H.* 53 *punb. læle G.* 54 *orlea H.* 55 *peopan H.* 56 *peopene H.*
 57 *G. utt H.* 58 *hý H.* 59 *aneage G.* 60 *anegebe. ppeoge H.* 61 *heo H.* 62 *hý forþan. Lýf G.* 63 *rýlle G.* 64 *hý deabe H.*
 65 *deab E.* 66 *rýnð G.* 67 *rýn. rý H.* 68 *ofofrof H.* 69 *rý H.* 70 *zeecen H.* 71 *G.* 72 *not in H.* 73 *not in H.* 74 *not in G.* 75 *innan H.* 76 *rý G.H.* 77 *ofofopen H.* 78 *rý H.*

¹oƿflegen. oþþe ²[re man] ƿorƿolden. ƿpa þ̅ ³ƿitan to rihte
⁴ƿunden. Ðunu oþþe ⁵dohtor ⁶ƿiſ he ⁷oƿſtinge. þæſ ⁸ilcan
ðomeſ ⁹rie he ƿýrðe. Líf he þonne ¹⁰þeop oþþe ¹¹þeop-men-
nen' ¹²oƿſtinge. ¹³ƿerelle þam hlaƿorðe ¹⁴.xxx. ƿcill. ƿeolſneſ.
ƿ ƿe oxa ¹⁵rie mið ƿtanum ¹⁶oƿƿorƿroð:

Exodus,
xxi. 33, 34.

xxii. Líf hƿa ¹⁷adelſe ƿæteſ-¹⁸ƿýt. oþþe betýnedne ¹⁹on-
týne. ƿ hine eft ne betýne. ²⁰ƿelðe ƿpelc' neat ²¹ƿpelc þæron
beſealle. ƿ ²²hæbbe him þ̅ deaðe:

35, 36.

xxiii. Líf ²³oða oðneſ ²⁴monneſ oxa ²⁵ƿeƿunðige ƿ he þonne
deað ²⁶rie. ²⁷bebýcƿgeþ þone ²⁸oðan ƿ ²⁹hæbben him' þ̅ ƿeopð
ƿemæne ƿ eac þ̅ ƿlæſc ƿpa þæſ deaðan. Líf ƿe hlaƿorð
þonne ³⁰ƿiſte þ̅ ƿe oxa hniſtol ƿæne. ƿ ³¹hine healdan nolde.
³²ſelle him oðerne oxa ƿone. ƿ hæbbe him ³³eall þ̅ ƿlæſc:

xxii. 1.

xxiv. Líf hƿa ³⁴ƿorſtele oðneſ oxa ƿ hine oƿſlea oþþe
³⁵bebýcƿge. ſelle' tƿegen ³⁶ƿið. ƿ ƿeopeſ ƿceap ³⁷ƿið anum.
³⁸Líf he ³⁹næbbe ⁴⁰hƿæt he ⁴¹ſelle. rie' he ⁴²ſelſ beboht ƿið
þam ⁴³ƿio:

2-4.

xxv. Líf þeof bƿece manneſ hýſ nihteſ. ƿ he ⁴⁴ƿeopðe þæſ
⁴⁵oƿflegen. ne ⁴⁶rie he ⁴⁷na man-ſlezeſ ƿcýlðig. ⁴⁸Líf he
⁴⁹ſiþþan æfteſ ƿunnan ⁵⁰úƿ-ƿonge þiſ deð. he bið man-ſlezeſ
ƿcýlðig^a. ƿ he þonne ⁵¹ſelſ ƿpelte.' ⁵²buton he ⁵³mið-ðæða
ƿæne. ⁵⁴Líf mið him cƿicum ⁵⁵rie ƿunden þ̅ he æſ ƿtæl. be
tƿýſealðum ⁵⁶ƿorſielde he' hit:

5.

xxvi. Líf hƿa ⁵⁷ƿeƿeðe oðneſ ⁵⁸monneſ ƿin-ƿearð.' oþþe
⁵⁹hiſ ⁶⁰æcſaſ. oþþe hiſ landeſ ⁶¹aƿuht. ƿebete ƿpa hit ⁶²mon
ƿeeahƿige:

6.

xxvii. Líf ƿýſ ⁶³rie ontendeð ⁶⁴ƿýht to ⁶⁵bæſnenne. ƿe-
bete þone ⁶⁶æƿpeſdeſſan ƿe þ̅ ⁶⁷ƿýſ ⁶⁸ontent:

10-12.

xxviii. Líf hƿa oþſæſte hiſ ⁶⁹ƿſienð ƿioh.' ⁷⁰ƿiſ he ⁷¹hit
⁷²ſelſ ⁷³ſtæle. ƿorſýlde be tƿýſealðum. ⁷⁴Líf he ⁷⁵nýte hƿa
⁷⁶hit ƿtæle.' ⁷⁷ƿeladiƿe hine ⁷⁸ſelſne þ̅ he þæſ nán ⁷⁹ƿacn

¹ oƿflegen *G.* ² *H.* ³ ƿýtan *H.* ⁴ ƿunden *G.* ƿýnðað *H.* ⁵ dohten
H. ⁶ ƿýſ *G.* ⁷ ƿcýnƿe *H.* ⁸ ylcan *G.* ⁹ ƿý *H.* ¹⁰ ƿeopan *H.*
¹¹ ƿeopne *G.* ƿeopene *H.* ¹² oƿſtinge *H.* ¹³ ƿerýlle *G.H.* ¹⁴ ƿýſ-
tiſ *H.* ¹⁵ ƿý *H.* ¹⁶ oƿƿorƿað *G.* oƿƿorƿen *H.* ¹⁷ beſe *G.* ¹⁸ ƿiſt
H. ¹⁹ untýne *H.* ²⁰ ƿýlde ƿſýlc *G.* -ſſýlc *H.* ²¹ ƿſýlc *G.* ƿpa þæſ
H. ²² habbe *H.* ²³ *G.* ²⁴ manneſ *G.H.* ²⁵ ƿeƿunðe *H.* ²⁶ ƿý *H.*
²⁷ bebicƿan *G.H.* ²⁸ *G.* ²⁹ habbon *G.* habben heom *H.* ³⁰ ƿiſte
G.H. ƿiſte *E.* ³¹ he hýne *G.* ³² ƿýlle *G.H.* ³³ eal *H.* ³⁴ ƿorſtæle
G. ³⁵ bebýcƿe. ƿýlle *G.* bebicƿe - *H.* ³⁶ not in *G.* ³⁷ ƿýð *H.*
³⁸ Líf *G.* ³⁹ mið *H.* ⁴⁰ hƿet *G.* ⁴¹ ƿýlle *G.* - ƿý *H.* ⁴² ƿýlſ *G.H.*

man be paid for, as the 'witan' decree to be right. If it gore a son or a daughter, let him be subject to the like judgment. But if it gore a 'theow' or a 'theow-mennen,' let xxx. shillings of silver be given to the lord, and let the ox be stoned.

22. If any one dig a water-pit, or open one that is shut up, and close it not again; let him pay for whatever cattle may fall therein; and let him have the dead [beast].

23. If an ox wound another man's ox, and it then die, let them sell the [live] ox, and have the worth in common, and also the flesh of the dead one. But if the lord knew that the ox hath used to push, and he would not confine it, let him give him another ox for it, and have all the flesh for himself.

24. If any one steal another's ox, and slay or sell it, let him give two for it; and four sheep for one. If he have not what he may give, be he himself sold for the cattle.

25. If a thief break into a man's house by night, and he be there slain; the slayer shall not be guilty of manslaughter. But if he do this after sunrise, he shall be guilty of manslaughter; and then he himself shall die, unless he were an unwilling agent. If with him living that be found which he had before stolen, let him pay for it two-fold.

26. If any one injure another man's vineyard, or his fields, or aught of his lands; let him make 'bōt' as it may be valued.

27. If fire be kindled to burn 'ryht,' let him who kindled the fire make 'bōt' for the mischief.

28. If any one entrust property to his friend, if he steal it himself, let him pay for it two-fold. If he know not who hath stolen it, let him clear himself that he hath therein committed

⁴³ feo *G. H.* ⁴⁴ purðe *H.* ⁴⁵ ofrlazen *G.* ⁴⁶ rý *G. H.* ⁴⁷ not in *G.*
⁴⁸ Lýf *G.* ⁴⁹ rýþpan *H.* ⁵⁰ upganze *G.* uppzanze *H.* ⁵¹ rýlf *G.*
⁵² rýlfe *H.* ⁵³ butan *G. H.* ⁵⁴ nýððæða *H.* ⁵⁵ Lýf *G.* ⁵⁶ rý *H.*
⁵⁷ forþylbe *G. ' H.* ⁵⁸ gepýrbe *G.* apýrbe *H.* ⁵⁹ manneþ *G. ' H.* ⁶⁰ pýn-
⁶¹ zeapb *H.* ⁶² hýr *G.* ⁶³ æcepaþ *G. H.* ⁶⁴ apýht *G.* apýht *H.* ⁶⁵ man
⁶⁶ G. ' - zeæhtie *H.* ⁶⁷ rý *H.* ⁶⁸ pýr *G.* ⁶⁹ bæpnanne *G.* ⁷⁰ æpýrþlan
⁷¹ H. ' *G.* ⁷² G. not in *H.* ⁷³ ontenbe *G.* ontenbeð *H.* ⁷⁴ rýpnb
⁷⁵ feoh *G.* fpeonb - *H.* ⁷⁶ rýf *G.* ⁷⁷ hýt *G.* ⁷⁸ rýlf *H.* ⁷⁹ rtele *G. H.*
⁸⁰ Lýf *G.* ⁸¹ nite *H.* ⁸² hýt *G.* ⁸³ hite rtele *H.* ⁸⁴ zelaþize *G.*
⁸⁵ zelaþie *H.* ⁸⁶ rýlfne *H.* ⁸⁷ facen *G.*

Exodus,
xxii. 16, 17.

¹ne ²ƷeƷnemede. Līf ³hit þonne ⁴cucu feoh Ʒæne. y he ⁵ƷecƷge þ hit hepe name. oþþe ⁶þ hit ⁷Ʒelf ⁸ācƷæle. y he ƷeƷitneƷƷe hæbbe. ne þearf he þ ⁹Ʒelban. Līf he þonne ƷeƷitneƷƷe næbbe. y he him ne ¹⁰ƷeƷneƷe. ƷƷeƷe he ¹¹þonne:.

xxix. Līf hƷa Ʒæmnan ¹²beƷƷice unbepedðode. y ¹³hƷe mið ¹⁴Ʒlæpe. ¹⁵ƷoƷƷelðe hie. y ¹⁶hæbbe ¹⁷hī Ʒiþþan him to Ʒife. ¹⁸Līf þæne Ʒæmnan Ʒæðen ¹⁹hie þonne ²⁰Ʒellan ²¹nelle. āƷife he þ ²²Ʒioh æfter ²³þæm Ʒeotuman:.

18. xxx. Ða Ʒæmnan þe ²⁴Ʒepuniað ²⁵onƷon ²⁶Ʒealðon-ƷneƷƷigan. y ²⁷Ʒcin-læcan. y Ʒccan. ne læt ²⁸þu ²⁹þā libban:.

19. xxxi. And Ʒeþe hæme mið ³⁰netene. ƷƷelte ³¹he deaðe:.

20. xxxii. And Ʒeþe ³²Ʒod-Ʒeldum onƷæcƷe ofeƷ. Ʒod ³³anne. ƷƷelte Ʒe deaðe:.

21. xxxiii. ³⁴Utan-cumene y ³⁵ælƷeodige ne ³⁶ƷeƷƷene þu ³⁷no. Ʒoþþon þe Ʒe ƷæƷon ³⁸Ʒu ³⁹ælƷeodige on ⁴⁰ÆƷƷƷta ⁴¹londe:.

xxxiv. Ða ⁴²ƷuðƷan y ⁴³þa ⁴⁴ƷƷop-cilð ne ⁴⁵Ʒeððað Ʒe. ⁴⁶ne ⁴⁷hie ⁴⁸napeƷ deƷuað. Līf Ʒe þonne elleƷ doð ⁴⁹hie cleoƷiað to me. y ic ⁵⁰Ʒehiepe hie. y ic eoƷ þonne Ʒlea mið minum ƷƷeoƷde. y ic ⁵¹Ʒeðð þ ⁵²eoƷƷu Ʒif ⁵³beoð ⁵⁴ƷyðeƷan. y ⁵⁵eoƷƷu beapne ⁵⁶beoð ⁵⁷ƷƷeoƷ-cilð:.

25. xxxv. Līf þu ⁵⁸Ʒioh to ⁵⁹boƷge ⁶⁰Ʒelle þinum ƷeƷeƷan þe mið þe eaƷðian ⁶¹Ʒille. ne ⁶²meðe þu hine ƷƷa ⁶³meðling. y ne ⁶⁴Ʒehene þu ⁶⁵hine mið þy ⁶⁶eācan:.

26, 27. xxxvi. Līf ⁶⁷mon næbbe ⁶⁸buton anƷealð ⁶⁹hƷæƷl hine mið to ƷƷeonne oþþe to ƷeƷanne. y he hit to Ʒeððe ⁷⁰Ʒelle. æƷ Ʒunnan ⁷¹Ʒecl-ƷonƷe Ʒie ⁷²hit āƷifen. Līf þu ƷƷa ne deƷƷ. þonne ⁷³cleoƷiað he to me. y ic ⁷⁴hine Ʒelhepe. ⁷⁵Ʒoþþon þe ic ⁷⁶eom ƷƷiðe mið-heoƷƷ:.

28. xxxvii. Ne tæl þu þinne ÐƷƷhten. ne þone hlaƷonð þæƷ ƷolceƷ ne ⁷⁷ƷeƷe þu:.

29, 30. xxxviii. Ðine teoðan ƷceattƷ y ⁷⁸þine ƷƷum-ƷƷan. ⁷⁹Ʒon-ƷenðeƷ y ƷeaxenðeƷ. āƷyƷ þu Ʒode:.

¹ on add. G.H. ² Ʒnemede H. ³ not in G. ⁴ cucu G. ⁵ ƷecƷe G. ƷæcƷe H. ⁶ hƷt G. ⁷ Ʒelf H. ⁸ G. ⁹ Ʒylban H. / - LƷf G. ¹⁰ ƷeƷƷeƷe. ƷƷeƷe G. ƷeƷeƷe Ʒy. ƷƷeƷe H. ¹¹ þæne G. ¹² beƷƷe H. / - unbepedðode G. ¹³ hƷe G. ¹⁴ Ʒlepe G. ¹⁵ ƷoƷƷelðe G. / - heo H. ¹⁶ habbe G. ¹⁷ G. / hƷ Ʒyþþan H. ¹⁸ LƷf G. ¹⁹ hī G. ²⁰ Ʒellan G.H. ²¹ nulle G. ²² feoh G.H. ²³ þam H. ²⁴ Ʒepuniað G. Ʒepunnið E. Ʒepilnið H. ²⁵ onƷon G. ²⁶ Ʒealðon-ƷneƷƷe G. ƷalbeƷƷeƷƷigan H. ²⁷ Ʒcinlæcan H. ²⁸ hī H. ²⁹ G. not in H. ³⁰ netene G. nƷtene H. ³¹ Ʒe G.H. ³² ƷodƷyldum H. / - onƷeƷe of G. ³³ æne H. ³⁴ G. ³⁵ ælƷeodige G.H. ³⁶ ƷeƷƷene H. ³⁷ þā G. / þone Ʒoþþan H. ³⁸ u G. not in H. ³⁹ ælƷeodige

no fraud. If, however, it were live cattle, and he say, that the 'here' hath taken it, or that it perished of itself, and he have witness; he needeth not to pay for it. But if he have no witness, and he believe him not, then let him swear.

29. If any one deceive an unbetrothed woman, and sleep with her; let him pay for her, and have her afterwards to wife. But if the father of the woman will not give her, let him render money according to her dowry.

30. The women who are wont to receive enchanters, and workers of phantasms, and witches, suffer thou not to live.

31. And let him who lieth with cattle perish by death.

32. And let him who sacrificeth to gods, save unto God alone, perish by death.

33. Vex thou not comers from afar, and strangers; for ye were formerly strangers in the land of the Egyptians.

34. Injure ye not the widows and the step-children, nor hurt them anywhere: for if ye do otherwise, they will cry unto me, and I will hear them, and I will then slay you with my sword; and I will so do that your wives shall be widows, and your children shall be step-children.

35. If thou give money in loan to thy fellow who willet to dwell with thee, urge thou him not as a 'niedling,' and oppress him not with the increase.

36. If a man have only a single garment wherewith to cover himself, or to wear, and he give it [to thee] in pledge; let it be returned before sunset. If thou dost not so, then shall he call unto me, and I will hear him; for I am very merciful.

37. Revile thou not thy Lord God: nor curse thou the Lord of the people.

38. Thy tithes, and thy first-fruits of moving and growing things, render thou to God.

G.H. 40 *Egypta* *G.* 41 *lanbe* *G.H.* 42 *pýþpan* *G.* *pýþepan* *H.*
 43 *not in G.* 44 *ƿceopcylb* *G.* *ƿceopcylb* *H.* 45 *ƿceaðæð* *G.* *ƿcýððað* *H.*
 46 *ƿnb add. H. not in G.* 47 *hý* *H.* 48 *nahþer nene* *G.* 49' *hý*
clippað *H.* 50 *zehýne* *G.* ' *hý* *H.* 51 *eop add. H.* 52 *eoppe* *G.H.*
 53 *bīð* *G.* 54 *puþepan* *H.* 55 *eoppe* *G.H.* 56 *not in H.* 57 *ƿceopcylbe*
G. *ƿceopcylb* *H.* 58 *ƿeoh* *G.H.* 59' *zerýlle* *G.* 60 *rýlle* *H.* 61 *pýlle*
H. 62 *nýbe* *H.* 63 *nýðlīnȝ* *H.* 64 *zehýne* *G.* *zehýn* *H.* 65 *hýne* *G.*
 66 ' *G.* 67 *man* *G.H.* 68 *butan* *G.H.* 69 *hpæȝle* *G.* 70 *rýlle* *G.H.*
 71 *ƿeclȝange* *G.* ' *rȝ* *H.* 72' *hýc aȝýfen* *G.* 73' *clýpīað* *hý* *H.*
 74' *hýne zehýne* *G.* *hý* *H.* 75 *ƿopþam* *H.* 76 *eam* *H.* 77 *pȝpȝ* *G.*
ƿepȝ *H.* 78 *þinne* *H.* 79 *ȝanȝenber* *G.H.*

Exodus,
xxii. 31.

xxxix. ¹Eal þ ²flærc³ þ ³pildeop læren. ne ⁴etan ge þ. ac
⁵ŷellað hit hundum:.

xxiii. 1.

xl. Leareþ ⁶monneþ poþð ne ⁷pece þu ⁸no ⁹þær to ¹⁰gehe-
panne. ne hir domar ne geþara þu. ne nane geþitneþre æfter
him ne ¹¹gaða þu:.

2, 3.

xli. Ne ¹²penð þu þe ¹³nō on þær folceþ ¹⁴ūnraed y ¹⁵unpýht
geþil. on ¹⁶hiora gpraæce y ¹⁷geclýpp. ofer þin ¹⁸pýht. y
¹⁹[on] þær unpriþertan lape. ²⁰ne him ne geþara:.

4.

xlii. Líf þe ²¹becume oðneþ ²²monneþ ²³gimeleap foh on
hand. þeah ²⁴hit ²⁵ŷie þin feonð ²⁶gecýðe hit ²⁷him:.

6.

xliii. Dem þu gwiðe ²⁸emne. ne dem þu oðerne dōm þam
pelegan oðerne þam ²⁹eorumen. ne oðerne þam ³⁰leoþpan y
oðerne þam ³¹laðpan. ne ³²dem þu:.

7.

xliv. Onŷcuna ³³þu ³⁴ā leaþunga:.

xlv. Doðreþtne ³⁵man y ³⁶unŷcildigne ne' ³⁷ācpele þu ³⁸þone
næþne:.

8.

xlvi. Ne ³⁹onfoh þu næþne ⁴⁰med-ŷceattum. foþþon ⁴¹hie
āblændað ful ⁴²oþt pŷpa monna geþoht. y ⁴³hiora poþð ⁴⁴on-
pendað:.

9.

xlvii. Ðam ⁴⁵elpeodigan y ⁴⁶utan-cumenan ne læt ⁴⁷þū ⁴⁸nō
ūncuðlice' pīð ⁴⁹hine. ne mið ⁵⁰nānum ⁵¹ūnþuhtum þu hine ne
ðpece:.

13.

xlviii. Ne ⁵²gpeþugen ge' næþne under hæðene goðar. ne
⁵³ōn nanum' þingum ne ⁵⁴cleopien ge to ⁵⁵him:.^a

xlix. Ðiþ ⁵⁶gindon þa domar þe ge Ælmihtiga God ⁵⁷ŷelf
gpraæcende pær to Woðge. y him bebead to ⁵⁸healdenne. y
⁵⁹ŷýþþan ge ⁶⁰ān-cenneda ⁶¹Drihtneþ ŷunu ⁶²ūre God. þ ⁶³iþ
⁶⁴hælenð Eþurc. on ⁶⁵miððan-geapð ⁶⁶cpom. he cpæð þ he ne

¹ G. Eall H. ² G. ³ pildbeop læran G.H. ⁴ etan G.H. ⁵ ŷyllað
G.H. ⁶ manneþ G.H. ⁷ pece H. ⁸ na G. not in H. ⁹ not in G.
¹⁰ gehýpanne G.H. ¹¹ reze G. ¹² geþenð H. ¹³ G. na H. ¹⁴ G.
¹⁵ unpriht geþil G. on - H. ¹⁶ hýpa gpraæce G. ¹⁷ geclæpp G. ge-
clebþ H. ¹⁸ pih G. ¹⁹ G. ²⁰ þu H. ²¹ becýme G.H. ²² manneþ
G. ²³ gýmeleap feoh G.H. ²⁴ hýc G. ²⁵ ŷý H. ²⁶ gecýð H.
²⁷ hým G. ²⁸ pih G. pýhtne dom y H. add. ²⁹ eapman
G.H. ³⁰ leoþpan G. leoþan H. ³¹ laðan H. ³² dæm H. ³³ þa
leoþunga H. ³⁴ G. ³⁵ mann G. ³⁶ unŷcýlðigne H. ³⁷ G. ³⁸ ac-

^a It will be proper to observe, that the Anglo-Saxon text is not
as a whole a translation of the Vulgate, or of any other known Latin
version. A reference is given in the margin to the corresponding
passages in the book of Exodus; but the reader will frequently find

39. All the flesh that wild beasts leave, eat ye not that, but give it to the dogs.

40. To the word of a lying man reckon thou not to hearken, nor allow thou of his judgments; nor say thou any witness after him.

41. Turn thou not thyself to the foolish counsel and unjust desire of the people, in their speech and cry, against thine own reason, and according to the teaching of the most unwise; neither allow thou of them.

42. If the stray cattle of another man come to thy hand, though it be thy foe, make it known to him.

43. Judge thou very evenly: judge thou not one doom to the rich, another to the poor; nor one to thy friend, another to thy foe, judge thou.

44. Shun thou ever leasings.

45. A just and innocent man, him slay thou never.

46. Receive thou never meed-monies; for they blind full oft the minds of wise men, and pervert their words.

47. To the stranger and comer from afar behave thou not unkindly, nor oppress thou him with any wrongs.

48. Swear ye never by heathen gods, nor cry ye unto them for any cause.^a

49. These are the dooms which the Almighty God himself spake unto Moses, and commanded him to keep: and after the only begotten son of the Lord, our God, that is, our Saviour Christ, came on earth, he said that he came not to break nor to

pelle *G.* acpel *H.* 38 þæne *G.* 39 onfoh *G.H.* onfoð *E.* 40 met-
 ꝛceattum *H.* 41 hu *G.* hý þe ablenðað *H.* 42 *G.* 43 hýpa *G.*
 heopa *H.* 44 apenðað *H.* 45 ælþeobegan *G.* ælþeobigan *H.* 46 ut-
 cýmenan *G.H.* 47 *G.* 48 na *H.* 49 þone *G.* 50 *G.* 51 *G.*
 unpýhtum *H.* 52 ꝛpen *G.* 53 nænigum *G.* 54 clýpigen *G.*
 clipien *H.* 55 hým *G.* heom *H.* 56 rýnbom *G.* 57 rýlf *G.H.*
 58 healbenbe *G.* 59 rýppan *H.* 60 acenneba *H.* 61 Lober *H.*
 62 *G.* 63 *G.* 64 hælende *G.H.* 65 populb becom *H.*
 66 côm *G.*

that the Vulgate has been so far departed from, by omissions, amplifications, or substitutions, as to preserve very little resemblance with the presumed original.

come ¹no þar ²bebodu to brecanne ne to forþbeodanne. ac mid eallum Ʒodum to ³Ʒeacanne. Ʒ mild-heortnerre Ʒ ⁴eadmoðnerre he lærde. ⁵Ðā æfter hƷ þropunge. ærþam þe hƷ AƷortolær ⁶toƷapene Ʒæron Ʒeond ealle eoƷðan to ⁷læppanne. Ʒ þa ⁸Ʒiet þa ⁹hie ætƷæðere Ʒæron. ¹⁰moneƷa hæðena þeoda ¹¹hie to Gode ¹²ƷecƷeƷdon. ¹³Ðā ¹⁴hī ealle ætƷomne Ʒæron. ¹⁵hƷ renðon ¹⁶ærenð-Ʒrecan ¹⁷to Antiochia Ʒ ¹⁸to ðýra. EƷurter ¹⁹æ to læppanne. Ða ²⁰hie þa onƷeaton þ̅ him ne Ʒreop. þa renðon ²¹hīe ærenð-ƷerƷut to ²²hīm. ÐƷr ²³Ʒr þonne þ̅ ²⁴ærenð-ƷerƷut þe þa AƷortolær ²⁵renðon ealle to Antiochia. Ʒ to ðýra. Ʒ to Lihia. þa Ʒind ²⁶nū oƷ ²⁷hæðenum þeodum ²⁸to EƷurte ²⁹ƷecƷeƷde.

Acts,
xv. 23-29.

Ða AƷortolær Ʒ þa ³⁰ælðpan broðor haelo eoƷ ³¹Ʒýrcað. Ʒ þe eoƷ cýðað. þ̅ þe ³²Ʒearcodoþ þ̅ ³³ýne ƷeƷeran Ʒume mid urum Ʒorðum ³⁴to eoƷ ³⁵comon. Ʒ eoƷ heƷƷƷan ³⁶[ƷƷƷan buðan] to healdanne þonne þe ³⁷hīm buðon. Ʒ eoƷ ³⁸to ³⁹ƷƷeðe ⁴⁰ƷeðƷealðon mid ⁴¹þæm manƷƷealðum Ʒeðodum. Ʒ eoƷra Ʒapla ⁴²mā ⁴³forþƷerƷeðon þonne ⁴⁴hie ⁴⁵ƷerƷuhton. Ða ⁴⁶Ʒeromnoðon þe ýr ýmb þ̅. Ʒ ⁴⁷ýr eallum ⁴⁸Ʒelicoðe þa. þ̅ þe ⁴⁹renðon PaulƷr Ʒ Barnaban. ⁵⁰men þa ⁵¹Ʒilniað ⁵²heoƷra Ʒapla ⁵³Ʒellan for Ðrýhtener naman. Mid ⁵⁴hīm þe ⁵⁵renðon Iudam Ʒ Si-lam. þ̅ ⁵⁶[hī] eoƷ þ̅ ilce ⁵⁷ƷecƷan. Ðæm ÐalƷan EƷurte Ʒær ƷerƷuht Ʒ ⁵⁸ýr. þ̅ þe nane ⁵⁹hýrðene on eoƷ ƷetƷan ⁶⁰nolðon. oƷer þ̅ þe eoƷ ⁶¹neð-þearf Ʒær to ⁶²healðenne. þ̅ Ʒr þonne þ̅ Ʒe ⁶³forþeren þ̅ Ʒe ðeoƷol-Ʒýlð ne ⁶⁴ƷeoƷðien. ne bloð ne ⁶⁵ƷicƷen. ne ⁶⁶armoƷeð. Ʒ ⁶⁷Ʒrom ðernum ƷelƷerum. Ʒ þ̅ Ʒe ⁶⁸pillen þ̅ oðre men ⁶⁹eoƷ ne ðon. ne ⁷⁰ðoð Ʒe þ̅ oðrum mannum.

Matt. vii. 12.

⁷¹OƷ þƷƷum anum ðome ⁷²mon mæƷ ⁷³ƷeƷencean. þ̅ he ⁷⁴æƷhƷelcne on ⁷⁵Ʒuht Ʒeðemeð. ne þearf he ⁷⁶nanra ðom-boca ⁷⁷oðerƷra ⁷⁸[cepan]. ⁷⁹EƷeƷence he þ̅ he nanum men ne ðeme þ̅ he nolde þ̅ ⁸⁰he hīm ðemde. ƷƷr he þone ⁸¹ðom oƷer hīne ⁸²Ʒohte.

1 na G.H. 2 Ʒorð H. 3 icanne G. Ʒeecanne H. 4 eadmoðnerre G. 5 G. 6 toƷapene G.H. toƷapenne E. 7 læppanne G. 8 Ʒýr G.H. 9 hī G. hý H. 10 mænƷe G. maneƷa H. 11 hý H. 12 ƷecƷeƷdon H. 13 G. 14 G. hý H. 15 hý H. 16 ærenðƷrecan G. ærenðƷracan H. 17 G. 18 ðýra G. 19 G. 20 hī G. hý H. 21 G. hý H. 22 G. 23 ýr G. 24 ærenðƷerƷut H. 25 renðan H. 26 G. 27 æðenum G. 28 G. 29 ƷecýrƷeð G. ƷecýrƷeðe H. 30 ælðpan G. ýlðpan broðra H. 31 Ʒýrcað G. 32 Ʒearcodoþ G. Ʒeaxodoþ H. 33 G. 34 coman H. 35 G.H. 36 hým G. 37 G. not in H. 38 ƷƷeðe G. 39 Ʒeð-Ʒealðon H. 40 þam G.H. 41 H. 42 forþƷerƷeðon G.H. 43 heo

forbid these commandments, but with all good to increase them: and mercy and humility he taught. Then after his Passion, before his Apostles were dispersed throughout all the earth, teaching, and while they were yet together, many heathen nations they turned to God. When they were all assembled, they sent messengers to Antioch and to Syria, to teach the law of Christ. But when they understood that it speeded them not, then sent they a letter unto them. Now this is the letter which all the Apostles sent to Antioch, and to Syria, and to Cilicia, which now from heathen nations are turned to Christ.

‘ The Apostles and the elder brethren wish you health: and we make known unto you, that we have heard that some of our fellows have come to you with our words, and have commanded you to observe a heavier rule than we commanded them, and have too much misled you with manifold commands, and have subverted more of your souls than they have directed. Then we assembled ourselves concerning that; and it then seemed good to us all that we should send Paul and Barnabas, men who desire to give their souls for the name of the Lord. With them we have sent Judas and Silas, that they might say the same to you. It seemed to the Holy Ghost and to us, that we should set no burthen upon you above that which it was needful for you to bear: now that is, that ye forbear from worshiping idols, and from tasting blood or things strangled, and from fornications: and that which ye will that other men do not unto you, do ye not that to other men.

From this one doom a man may remember that he judge every one righteously; he need heed no other doom-book. Let him remember that he adjudge to no man that which he would not that he should adjudge to him, if he sought judgment against him.

H. 44 *piltron* *G.* 45 *geramnoðen* *H.* 46 *geramnoðon* *G.* 47 *pa add.* *H.* 48 *rensan* *G.* 49 *pa gepilmað* *H.* 50 *pillað* *G.* 51 *hwa* *H.* 52 *hwa* *G.* 53 *to ryllanne* *G.H.* 54 *hým* *G.* 55 *renðað* *G.* 56 *recað.* *ðam* *G.* 57 *recað.* *G.H.* 58 *býðene* *G.H.* 59 *býðenne* *E.* 60 *nolsan* *G.* 61 *nýðearf* *H.* 62 *niesþearf* *if* *G.* 63 *healsene* *H.* 64 *forþeþan* *G.H.* 65 *peorðian* *G.* 66 *purðian* *H.* 67 *þeþan* *G.H.* 68 *ar-* *morð* *H.* 69 *fram býnum* *G.H.* 70 *pillan* *H.* 71 *þeþan* *G.* 72 *þeþan* *H.* 73 *þeþan* *H.* 74 *Here* *G. closes.* 75 *On þýrum* *H.* 76 *man* *H.* 77 *þeþen* *H.* 78 *æghýlcne ðom* *H.* 79 *þýht* *þeþene* *H.* 80 *nanpe* *H.* 81 *oðera* *H.* 82 *þeþan* *H.* 83 *þeþan* *H.* 84 *þeþan* *H.* 85 *þeþan* *H.* 86 *þeþan* *H.* 87 *þeþan* *H.* 88 *þeþan* *H.* 89 *þeþan* *H.* 90 *þeþan* *H.* 91 *þeþan* *H.* 92 *þeþan* *H.* 93 *þeþan* *H.* 94 *þeþan* *H.* 95 *þeþan* *H.* 96 *þeþan* *H.* 97 *þeþan* *H.* 98 *þeþan* *H.* 99 *þeþan* *H.* 100 *þeþan* *H.*

Sifþan þ ¹þa zelamp þ ²monega þeoda Ljyrtēz zeleaþan
³onþenzon. þa purdon ⁴monega reonoðar' zeonð ealne midðan-
⁵zearð zegaderode. y eac ⁶ƿpa zeonð Angel-cýn rýþþan hie'
 Ljyrtēz zeleaþan onþenzon. halizra ⁷biſcepa y eac oðerpa
 zefunzenpa ƿitena. ⁸Ðie þa zereetton for þære ⁹mild-heort-
 nerre þe Ljyrt lærde. æt mæſtra ¹⁰hpelcne miſðæde. þ þa
 ƿoruld-hlaforðaz moſton mid ¹¹hioþa leaþan. ¹²buton rýnne.
 æt þam forman zýlte ¹³þære ƿoh-bote' onfon þe ¹⁴hie þa
 zereattan. ¹⁵buton æt hlaforð-ſearpe. þam ¹⁶hie nane mild-
 heortnerre ne doſſton ¹⁷zecepeðan. forþam þe God Ælmihtiz
 þam nane ¹⁸ne zedēmdē. þe hine ¹⁹[oſephozodon. ne Ljyrt
 Godēz ſunu þam nane ne zedemde þe hýne] ²⁰zealde to deaðe.
 y he bebead þone hlaforð lufian ƿpa hine ²¹[ſelſne.] ²²Ðie þa
 on ²³monegum renoðum monegpa' menniſcra miſðæda bote
 zereetton. y on ²⁴monega renoð'-bēc hý ²⁵ƿuton hpær ²⁶anne
 dom hpær oðerne:

Ic þa Ælfreð cýning þaz tozæðere zegaderode. y aƿritan
 het ²⁷monege þara þe ƿre forezenzan ²⁸heoldon. þa' þe me
²⁹licodon. y ³⁰manege þara þe me ne ³¹licodon. ic āpeaƿ mid
³²minra ƿitena zefeahhte. y on oðre ƿiran bebead to healðenne.
 forþam ic ne doſſte zedſiſtclæcan þara minra aƿiht ³³ſeala
 on zepiut ſettan. ³⁴forþam me ƿæz uncuð hpæt þæz þam
 lician ƿolde þe æfter ƿ ³⁵ƿæren. Ac þa ³⁶þe ic zemette.
³⁷aƿþer oþþe on Inez dæge minez mægez. oþþe on Ofan
 Wýrcena cýningez. oþþe on ³⁸Æðelbſiſhtez þe æreſt fulluht
 onſenz on Angel-cýnne. þa þe me ³⁹ſiſhtozte ſuhton. ic þa
 hēn-on zegaderode y þa oðre ⁴⁰forlēt:

Ic þa Ælfreð ⁴¹ſeſt-ſeaxna cýning' eallum minum ƿitum
 þaz zeeorðe. y hie þa cƿædon. þ ⁴²him þ ⁴³licode eallum ⁴³to
 healðenne:

¹ not in H. ² manega H. ³ unþerþenzon H. ⁴ manege rýnoðaz H.
⁵ earð H. ⁶ ƿpýlce on Angelcýnne. rýþþan hī H. ⁷ biſcopa H.
⁸ þý H. ⁹ mildheortnýrre H. ¹⁰ gehpýlcepe H. ¹¹ heopa H. ¹² bu-
 tan H. ¹³ þæra ƿeoh-bota H. ¹⁴ hý H. ¹⁵ butan H. ¹⁶ hý H.
¹⁷ zecepeðan H. ¹⁸ mildheortnerre H. add. ¹⁹ H. ²⁰ zerealde H.
²¹ H. ²² þý H. ²³ manegum rýnoðum manegra H. ²⁴ manegra

After this, then happened it that many nations received the faith of Christ; then were many synods assembled throughout all the earth, and also among the English race, after they had received the faith of Christ, of holy bishops, and also of other exalted 'witan.' They then ordained, out of that mercy which Christ had taught, that secular lords, with their leave, might, without sin, take for almost every misdeed, for the first offence, the money-'bōt' which they then ordained; except in cases of treason against a lord, to which they dared not assign any mercy, because God Almighty adjudged none to them who despised him, nor did Christ the son of God adjudge any to him who sold him to death: and he commanded that a lord should be loved as one's self. They then in many synods ordained a 'bōt' for many human misdeeds; and in many synod-books they wrote, at one place one doom, at another another.

I, then, Alfred, king, gathered these together, and commanded many of those to be written which our forefathers held, those which to me seemed good; and many of those which seemed to me not good I rejected them, by the counsel of my 'witan,' and in other wise commanded them to be holden; for I durst not venture to set down in writing much of my own, for it was unknown to me what of it would please those who should come after us. But those things which I met with, either of the days of Ine my kinsman, or of Offa king of the Mercians, or of Æthelbryht, who first among the English race received baptism, those which seemed to me the rightest, those I have here gathered together, and rejected the others.

I, then, Alfred, king of the West-Saxons, shewed these to all my 'witan,' and they then said that it seemed good to them all to be holden.

19yñoð *H.* 25 ƿriton *H.* ƿritan *E.* 26 ænne *H.* 27 manige *H.*
 28 heolben ƿapa *H.* 29 lýceban *H.* 30 monige *H.* 31 lýcobon *H.*
 32 minne *H.* 33 feola *H.* 34 foppon *H.* 35 ƿæron *H.* 36 ƿa *H.*
 37 aƿær *H.* 38 Æðelbryhtes *H.* 39 rihtes *H.* 40 foplett *H.* 41 ƿert-
 reaxena cýng *H.* 42 heom *H.* 43 ƿel *add. H.*

BE AÐUM AND BE ÞEDDUM.^a

1. *Æt ærfeortan pe lærað þ mært þearf iſ þ ¹æghpele mon*
hiſ að ȝ hiſ ²peð pærllice healde. Eiſ hpa to ³hpæðnum
þiſſa ȝenied iſe' on poſ. oþþe to hlaforð-ſearpe. oþþe to
⁴ængum unrihtum' fultume. þ iſ þonne rihtſe to ⁵æleo
ȝanne þonne to ȝelærtanne. ⁶[Eiſ he þonne þæſ peððie þe
hým riht riȝ to ȝelærtanne] ȝ þ aleoȝe. ⁷ſelle mid eaðmedum
hiſ' pæpn ȝ hiſ æhta hiſ ſneondum to ⁸ȝehealdanne. ȝ beo
⁹feopeſtaȝ nihta on canceſne ¹⁰on cýningeſ tune. ¹¹þſopriȝe
þæſ ſpa ¹²biſceþ him ſceſe. ȝ hiſ ¹³mæȝaſ hine ¹⁴ſeden ȝiſ
he ¹⁵ſeſ mete næbbe. Eiſ he ¹⁶mæȝaſ næbbe. oþþe þone
mete ¹⁷næbbe. ſede cýningeſ ȝeſeſa hine. Eiſ hine ¹⁸mon
to-ȝenedan' ſeýle. ȝ he elleſ nýlle. ȝiſ hine ¹⁹mon ȝebinde.
²⁰þoſiȝe hiſ pæpna ȝ hiſ ²¹ſeſeſ. Eiſ hine ²²mon oſſlea-
²³hceȝe he oſȝilde.' Eiſ he ſc-oðſleo æſ ²⁴þam ſeſeſe' ȝ
hine man ȝeſð. ²⁵iſe he ²⁶feopeſtaȝ nihta on canceſne ſpa he
²⁷æſ ſceolde. Eiſ he ²⁸[þonne] ²⁹loſiȝe. iſe he aſhmed' ȝ
³⁰iſe amænſumod' oſ eallum Eiſeſeſ ³¹eiſucum. Eiſ þæſ
þonne oðeſ menniſe boſh ³²iſe. bete þone ³³boſȝ-þſeýce^b ſpa
him ³⁴riht ſiſe. ȝ þone ³⁵peð-þſeýce ſpa him hiſ ſceſeſ
ſceſeſ:

BE 36 LIRIENÆ SOENUM.

11. Լիք հրա ³⁷թաթա մյնրտեր-hama ³⁸հրելեռ թոյ հրելոյե
բշլմե շըրեզ' թե 'սյնոյցեր ³⁹թոյոյն տօ-բելմթե. օրթե օձերոյե

¹ æghpīlc man *H.* ² pebb *H.* ³ hƿæðerum þīrpa zenýb rý *H.*
⁴ ænigum unrihtum *H.* ⁵ aleoƷenne *H.* ⁶ *H.* ⁷ rýlle mib ead-
meðum hýr *H.* ⁸ Ʒehealbenne *H.* ⁹ xl. *H.* ¹⁰ æt *H.* ¹¹ þƿopie *H.*
¹² biƷcop *H.* ¹³ maƷar *H.* ¹⁴ peðan *H.* ¹⁵ rýlf *H.* ¹⁶ maƷar *H.*
¹⁷ not in *H.* ¹⁸ man to-zenýðan *H.* ¹⁹ man *H.* ²⁰ polie *H.*

^a The language of the original writ in the court of King's Bench still agrees with the form of process here mentioned: 'If N. N. shall give you security of prosecuting his claim, then put by *gage and safe pledges* A. B. &c.'

^b According to a well-known rule of law, if the defendant made default, the borhs or sureties were amerced by the court; and this fine he is here directed to make good. For the wed or gage he was bound by an oath, the popeað, præjuramentum, which occurs hereafter, in person; and perjury being a matter of ecclesiastical cognizance, the censure was to be fixed by the church.

^c The nature of the king's 'feorme' will be best illustrated by a passage in a contemporary document, granted under the sanction of

OF OATHS AND OF 'WEDS.'^a

1. At the first we teach, that it is most needful that every man warily keep his oath and his 'wed.' If any one be constrained to either of these wrongfully, either to treason against his lord, or to any unlawful aid; then is it juster to belie than to fulfil. But if he pledge himself to that which it is lawful to fulfil, and in that belie himself, let him submissively deliver up his weapon and his goods to the keeping of his friends, and be in prison forty days in a king's 'tūn;' let him there suffer whatever the bishop may prescribe to him; and let his kinsmen feed him, if he himself have no food. If he have no kinsmen, or have no food, let the king's reeve feed him. If he must be forced to this, and he otherwise will not, if they bind him, let him forfeit his weapons and his property. If he be slain, let him lie uncompensated. If he flee thereout before the time, and he be taken, let him be in prison forty days, as he should before have been. But if he escape, let him be held a fugitive, and be excommunicate of all Christ's churches. If, however, there be another man's 'borh,' let him make 'bōt' for the 'borh-bryce,'^b as the law may direct him, and the 'wed-bryce,' as his confessor may prescribe to him.

OF CHURCH-'SOCNS.'

2. If any one, for whatever crime, seek any of the 'mynster-hams' to which the 'king's 'feorm' is incident, or other

²¹ ȝp̃p̃e H. ²² man H. ²³ lec̃e op̃gylbe H. ²⁴ þan p̃p̃p̃te H.
²⁵ ȝ̃ H. ²⁶ XL. H. ²⁷ ~ H. ²⁸ H. ²⁹ loȝe- ȝ̃ he aȝl̃meb̃ H.
³⁰ ȝ̃ he amañemob̃ H. ³¹ c̃ȝ̃icūm H. ³² ȝ̃ H. ³³ bop̃h-bp̃ice H.
³⁴ p̃iht H. ³⁵ p̃eob̃p̃ice H. ³⁶ c̃ȝ̃icena H. ³⁷ p̃æpa H. ³⁸ h̃p̃yl̃ene
 ȝeȝe ȝop̃ h̃p̃yl̃epe ȝeȝl̃be H. ³⁹ ȝeop̃me H.

Alfred: 'Ic Œðelpæð elþorman. inbrȝp̃endp̃e Loðer ȝeȝe ȝeȝel̃gob̃
 and ȝeȝenceb̃ mid̃ ȝume bæle M̃ercna p̃iceȝ. ȝop̃ Loðer lufan and
 ȝop̃ aȝneȝra miñpa ȝyl̃ta and ȝyñna. and ȝop̃ benum abboder̃ and
 p̃æpe heo-p̃æbene æt Beȝclea. and eac ȝop̃ ealpe M̃erce. ic heo
 ȝeȝeoȝe ecelice. p̃æȝ ȝaȝoleȝ þe h̃io nu ȝet to c̃ȝ̃inȝeȝ hañða
 aȝeoȝan ȝeol̃an. of þam bæle þe p̃æp̃ unȝeȝeoð to laȝe p̃æȝ p̃æpe
 c̃ȝ̃inȝ-ȝeop̃me. ȝe on hlut̃pum alað. ȝe on beope. ȝe on hunige. ȝe
 h̃p̃ȝōpum ȝe on p̃p̃ȝnum. ȝe on ȝeap̃um . . . and p̃æt ic ðo mid̃
 Œl̃p̃eȝeȝ c̃ȝ̃inȝeȝ leaȝe and ȝeȝit̃neȝȝe: I Æthelræð, ealdorman, by
 the disposing grace of God endowed and enriched with some portion
 of the kingdom of the Mercians, for the love of God, and for the
 remission of my offences and sins, and on account of the abbot's

¹ƿpone hƿeðð' þe aƿ-ƿýrðe ²ƿie. aƿe he þneopa nihta ³ƿeƿrht
 him to ƿeƿeopƿanne. ⁴buton he þingian ƿille. Eri hine mon
 on ⁵þam ƿeƿrhte ƿeƿrhlige mið ƿlege. ⁶oþþe mið benðe. oþþe
 þurh-ƿunðe. ⁷bete þara æghƿelc mið ƿýhte þeodƿcipe. ⁸ƿe mið
 ƿeƿe ƿe mið ƿite. ƿ þam hƿum ⁹hunð-ƿeƿlƿtƿiƿ ƿeif. ¹⁰cƿic-
 ƿuðer to' bote. ƿ ¹¹næbbe hƿ aƿne ƿorƿanƿen:'

BE ¹⁰BORI-BRYCE.

III. Eri hƿa cýnningeƿ ¹¹borƿ abnece. ƿebete þone ¹²cýht
 ƿra him ¹³ƿýht ƿie. ƿ þeƿ borƿeƿ-þrýce mið .v. ƿunðum
¹⁴mæƿra ¹⁵ƿæninga. Eceþeƿceƿeƿ' borƿeƿ-þrýce oþþe hƿ
 munð-býrð ƿebete mið ¹⁶þum ƿunðum. oðre ¹⁷þeƿceƿeƿ oþþe
¹⁸ealðormonneƿ borƿeƿ-¹⁹þrýce oþþe ²⁰munð-býrð ƿebete mið
²¹ƿam ƿunðum:.

²¹BE ƿLAFORD-²²SEARƿe.'

IV. Eri hƿa ýmb cýnningeƿ ƿeoph ²³ƿeƿƿe þurh hine. oþþe
 þurh ²⁴ƿecccena ƿeoph-munƿe. oþþe hƿ manna. ²⁵ƿie he hƿ

¹ƿeonne hƿeðð H. ²ƿý H. ³ƿýrht H. ⁴butan H. ⁵þam
 ƿýrhte ƿeƿrhlige mið ƿlege H. ⁶ƿebete þara æghƿýlc mið ƿihte
 þeodƿcipe H. ⁷c.xx. H. ⁸cýpic- H. ⁹hæbbe hƿ aƿen ƿorƿanƿen
 H. ¹⁰þurh-þrýce G.H. ¹¹bop H. ¹²cýhtlan H. ¹³ƿiht H.

prayers and the brotherhood's at Berkley, and also on account of all Mercia, I free them for ever of the tribute which they now still ought to render into the king's hands, (*i.e.*) of that part of the king's 'feorme' which there remained unfreed, as well in pure ale, as in beer, and in honey, and in oxen, and in swine, and in sheep . . . and that I do with King Ælfred's leave and knowledge.' *Heming, Chart.* p. 104. Lambard, and after him Wheloc and Wilkins, reads 'þe ne cýnningeƿ ƿeopme to belimpe, to which the king's feorme is not incident;' and three of the four mss. of the Latin version agree with him: 'quæ ad firmam regis non pertineat.' A 'free-hired' was possibly a monastery of private foundation, but free from the bishop's jurisdiction, having the right of electing their own head, the free disposal of their temporalities, and enjoying the privilege of the *jus asyli*. Conf. Form. Baluzianæ, No. 37. [I prefer the insertion of 'ne' as in Lambarde, conceiving the sense to be as follows, 'If any one, &c. seek any of those monastic domiciles which are free from the king's 'feorm' (or purveyance), or any other free fraternity, &c.' Such 'mynster-hams' and 'hyreds' as were burthened with the king's 'feorm,' having apparently had the privilege of granting an asylum for a longer space than three days.—*T.*]

^a There is a threefold difficulty in this clause: first, as to the reading of the text, whether it should be næbbe, or hæbbe, as in

'free-hired' which is worthy of reverence, let him have a space of three days to protect himself, unless he be willing to come to terms. If during this space, any one harm him by blow, or by bond, or wound him, let him make 'bōt' for each of these according to regular usage, as well with 'wēr' as with 'wite:' and to the brotherhood one hundred and twenty shillings, as 'bōt' for the church-'frith:' and let him 'not have 'forfongen' his own.

OF 'BORH-BRYCE.'

3. If any one break the king's 'borh,' let him make 'bōt' for the plaint, as the law shall direct him; and for the 'borh-bryce' with v. pounds of ^b 'mærra' pence. For an archbishop's 'borh-bryce,' or his 'mund-byrd,' let him make 'bōt' with three pounds: for any other bishop's or an 'earldorman's' 'borh-bryce,' or 'mund-byrd,' let him make 'bōt' with two pounds,

OF PLOTTING AGAINST A LORD.

4. If any one plot against the king's life, of himself, or by harbouring of exiles, or of his men; let him be liable in his life

¹⁴ peniŋga. *Epcebycope H.* ¹⁵ III. *H.* ¹⁶ bycope *H.* ¹⁷ ealþe-
manner *H.* ¹⁸ -þrice *H.* ¹⁹ hī *H. add.* ²⁰ II. *B.* ²¹ Be cýnncge
ŋricþome. *B.* ²² þrice *H. superscribed.* ²³ ȝýprie *B.H.* ²⁴ eaþþ-
þrecena *B.* ²⁵ ȝý *B.H.*

ms. *H.*; secondly, as to the party indicated by the personal pronoun; and, thirdly, the meaning of 'forþongen.' In Britton's chapter 'des Abjuracions,' it is said of those who flee to a sanctuary after the commission of crime, 'si perdent lour chateux pur lour fuite:' and again: 'de lour chateux nequedent soient forjuges pur la fuite.' On the other hand, the legal import of the old German 'verfangen' (the same verb as that used in the text) was 'to prejudice;' and if we refer the pronoun to its immediate antecedent, the clause may be rendered, according as we read næbbe or hæbbe, 'let him not (or, let him) have prejudiced his suit by this procedure.' A passage in the custumal of Henry I. is decidedly in favour of the latter reading; though it is by no means impossible that the law may have been changed since Alfred's time: 'Qui rectum offerentem occiderit vel afflixerit in aliquo, emendet wytam, vel vulnus, vel denique sicut egerit, et quicquid adversus eum habebat, forisfaciat.' c. 83. [In Lambarde's edition, the words 'ȝ næbbe hī agne forþongen' are wanting.—*T.*]

^b The original is left untranslated, as the version given by Lye is disputed: 'cum quinque libris purorum denariorum, i.e. bonæ monetæ.' There is, however, a passage quoted by Mr. Turner from some unnamed source, which seems to justify this interpretation: 'τρε πανὸν μὲν ἡπίτερ ρεολίπρ.' *Hist. A. Saxon.* II. p. 129. With

feoreſ ꝛcýlbiz ȝ ealles þæſ ¹þe he aȝe. ²Trif he hine ³ſeſne
 ȝuoƿan ƿille. ⁴do þ be cýningeſ ⁵ƿeſ-ȝelbe. Ðƿa ƿe eác ȝettað
 be eallum haðum. ȝe ceoƿle. ȝe eoƿle. Ðeþe ⁶ýmb hiſ
 hlafoſdeſ ⁷feorh ȝeƿe. ȝie' he ƿið þone hiſ feoreſ ꝛcýlbiz.
 ȝ ealles þæſ þe he aȝe. oþþe be hiſ hlafoſdeſ ƿeſe hine ⁸ȝe-
 ȝuoƿe.:

BE 8 LIRLENA FRIDE.

v. Eac ƿe ȝettað ⁹æȝhpelcepe ciƿcan' þe ¹⁰biſceƿ ȝeħalȝode
 hiſ ƿið. ȝif ¹¹hie ƿah-mon ȝeieſne' ¹²a oþþe ȝeæſne. þ hine
¹³ȝeoƿan nihtum nan ¹⁴mon ut' ne teo. Trif hiſ þonne
¹⁵hƿā do. ¹⁶þonne ¹⁷ȝie he ꝛcýlbiz cýningeſ mund-býrde. ȝ
 þæſe ¹⁸ciƿcan ƿiðdeſ. ¹⁹maſe ²⁰ȝif he þæſ maſe ²¹oſ-ȝeo. ȝif'
 he ƿoſ hungre libban ²²mæȝe. ²³buton he ²⁴ſeſ ut'-feohce.
 Trif hiſ ²⁵hoſa ciƿcan' ²⁶maſan þeafſe hæbben. healde
 hine mon on oðrum ²⁷æſne. ȝ þ næbbe ²⁸þon ma ðuſa þonne
²⁹ȝio ciƿce. Trite þæſe ³⁰ciƿcan ealðoſ ³¹þ him mon on
³²þam ³³ſeſſe meſe ne ³⁴ȝelle. Trif' he ³⁵ſeſ hiſ ³⁶æſno
 hiſ ³⁷ȝeſān ut-ȝeacan ƿille. ³⁸ȝeħealden hi hine ³⁹.xxx. nihta.
 ȝ ⁴⁰hie hine hiſ ⁴¹mæȝum ȝebodien. Eac ⁴²ciƿcan ƿið ⁴³[ſ].
 ȝif ⁴⁴hpelc mon' ⁴⁵ciƿcan ⁴⁶ȝeſece ƿoſ ⁴⁷þaſa ȝýlta ⁴⁸hƿýlcum
⁴⁹þaſa þe æſ ȝeýppeð ⁵⁰næſe ȝ hine þæſ on Godes naman
 ȝeandette. ⁵¹ȝie hiſ' heaſ ⁵²ƿoſȝiſen. Ðeþe ȝtalað ⁵³on Ðun-
 nan niht. oþþe on ⁵⁴ſeħhol. oþþe on Eaſtſon. oþþe on þone
 Ðalȝan Ðunneſ ⁵⁵ðæȝ. ⁵⁶[ȝ] on ſanȝ-ðagaſ. þaſa ⁵⁷ȝeħpelc ƿe
 ƿillað ⁵⁸ȝie ȝſ-bote. ȝſa ⁵⁹on ⁶⁰Lencten-ſeſten.:

¹ þæt B. ² Trif B. ³ ſeſne ȝeoƿſian ƿýlle B. - ȝeoƿan - H.
⁴ ƿeſȝýlbe B.H. ⁵ ýmbe B.' - hýſ H. ⁶ feorh ȝſſie ȝý B.H.
⁷ ȝeȝeoƿſie B. ȝeȝeoƿſie H. ⁸ cýſcena ƿſýðe G. ciƿcene B.
⁹ æȝhpýlcepe H. æȝhpýlcepe ciƿcean B. ¹⁰ biſceƿ B. biſceƿ H.
¹¹ ȝeſah man cýſcan ȝeýſne B. ƿahman hý ȝeýſne H. ¹² ȝeoƿon
 H. ¹³ man B.' - ut H. ¹⁴ Trif B. ¹⁵ B. ¹⁶ not in H. ¹⁷ ȝý
 B.H. ¹⁸ ciƿcean B. ¹⁹ ȝý B. ²⁰ B.' - ȝý B. ²¹ B. ²² butan
 H. ²³ ȝý B.' - ut H. ²⁴ Trif B. ²⁵ heoſa H.' - ciƿcean B.
²⁶ maſe B.H. ²⁷ huſe B. ²⁸ þonne H. ²⁹ ȝeo cýſce B. ȝeo
 ciſce H. ³⁰ ciƿcean B. ³¹ þ B.H. ƿe E. ³² not in B. ³³ ȝſſie

this may be compared the authority quoted by Du Cange: 'De denariis si mero sunt argento et pleniter pensantes.' *Voce* Denarii meri. Lambard, in the margin, reads 'mæpcna.'

^a [The words oþþe ȝeæſne appear to have been originally a marginal gloss: they are not in Lambard's text.—T.]

^b [Maſe ȝif. ut-feohce. Notwithstanding the concurrence of mss., I believe this place to be very corrupt: instead of

and in all that he has. If he desire to prove himself true, let him do so according to the king's 'wer-gild.' So also we ordain for all degrees, whether 'ceorl' or 'eorl.' He who plots against his lord's life, let him be liable in his life to him and in all that he has; or let him prove himself true according to his lord's 'wēr.'

OF CHURCH-*'FRITH.'*

5. We also ordain to every church which has been hallowed by a bishop, this '*frith*:' if a '*fah-man*' flee to^a or reach one, that for seven days no one drag him out. But if any one do so, then let him be liable in the king's '*mund-byrd*' and the church-'*frith*;' ^b more if he there commit more wrong, if, despite of hunger, he can live; unless he fight his way out. If the brethren have further need of their church, let them keep him in another house, and let not that have more doors than the church. Let the church-'*ealdor*' take care that during this term no one give him food. If he himself be willing to deliver up his weapons to his foes, let them keep him xxx. days, and let them give notice of him to his kinsmen. It is also church-'*frith*:' if any man seek a church for any of those offences, which had not been before revealed, and there confess himself in God's name, be it half forgiven. He who steals on Sunday, or at Yule, or at Easter, or on Holy Thursday, and on Rogation days; for each of these we will that the '*bōt*' be two-fold, as during Lent-fast.

B.H. ³⁴ rýlle *H.* ' - rýr *B.* ³⁵ rýlþ *B.H.* ³⁶ pæpna *H.* ³⁷ ^ *H.* ' - ^ pýlle *B.* ³⁸ zehealban *B.H.* ³⁹ þrittriȝ *B.* ⁴⁰ hı *B.H.* ⁴¹ ma-
 zum zebeoben *B.* - zebobie *H.* ⁴² cýpicean *B.* ⁴³ *B.* ⁴⁴ hpýlc
 man *B.H.* ⁴⁵ cýpicean *B.* In *H.* the e has ben erased, and so fre-
 quently before. ⁴⁶ ^ *B.* ⁴⁷ pæpa *H.* ⁴⁸ hpilcum *H.* ⁴⁹ pæpa *B.H.*
⁵⁰ ^ *B.* ⁵¹ rý *H.* ' - ^ *B.* ⁵² forpȝren *B.* ⁵³ ^ *B.* ⁵⁴ Leol *B.H.*;
 but in the margin of *H.* al. Leohhol. ⁵⁵ ^ *B.* ⁵⁶ not in *E.* and in-
 serted in *H.* ⁵⁷ zehpýlc *B.* æghpýlc *H.* ⁵⁸ rý *B.H.* ⁵⁹ not in *H.*
⁶⁰ Lenȝcen *B.*

ȝıf he þæp mape of-ȝero, perhaps we should read ȝıf he þæne man of-ȝero, 'if he carry the man off.' By ut-peohre I am inclined to understand, not 'fight his way out,' but 'fight without,' i.e. out of the bounds of his asylum, when it would be lawful to seize him. In a case, however, of so much uncertainty, I have left Mr. Price's version untouched, though very doubtful as to any authority for his translation of of-ȝero.—*T.*]

1 BE 2 LIRLAN STALE.

vi. Līf 3 hƿā on 4 cīrican hƿæt ƷeƿeorƷe. ƿorƷŷlde Ʒ^a anƷŷlde. Ʒ Ʒ 5 ƿīte ƿƿa to 6 þam anƷŷlde 7 belimpan ƿille. Ʒ ƿlea 8 mon þa 9 honð of þe he hit mið 10 Ʒeðŷde. 11 Līf he þa hanð 12 leƿan ƿille. Ʒ him mon Ʒ 13 Ʒeƿarƿan 14 ƿille. 15 Ʒelde ƿƿa to hiƿ ƿeƿe belimpe:.

16 BE 17 ÐON ÐE 18 MON ON 19 LYNLES ƿEALLE 20 FEORTE.

vii. Līf 21 hƿā 22 in cŷningeƿ 23 healle Ʒeƿeohte. ofþe hiƿ 24 ƿæƿn Ʒeƿrēde. Ʒ hiƿe mon 25 Ʒeƿð. 26 ƿie Ʒ on cŷningeƿ 27 ðóme. ƿƿa ðeað ƿƿa līf. ƿƿa he him 28 ƿorƷŷƿan ƿille. Līf he loƿŷe. Ʒ hiƿe 29 mon eft 30 Ʒeƿð. 31 ƿorƷŷielde he hiƿe 32 Ʒelfa be hiƿ 33 ƿeƿ-Ʒilde. Ʒ þone Ʒŷlt 34 Ʒebēte. ƿƿa 34 ƿēr ƿƿa ƿite. 34 ƿƿā he 35b Ʒeƿŷſht aƷe:.

36 BE NUNNAN ƿEOMEDE.

viii. Līf hƿa nunnan of mŷnŷƿe 37 ūt-alæðe butan 38 kŷningeƿ leƿneƿre ofþe 39 biƿð. Ʒeƿelle 40 hunð-ƿelƿƿiƷ ƿcūſ. healf cŷninge healf 41 biƿceƿe Ʒ 42 ƿæƿe 43 cīrican hlaƿorðe þe 44 [þa nunnan] aƷe. 45 Līf heð 46 lenƷ libbe þonne ƿeþe hie 46 ūt-læðde. naƷe 47 hio hiƿ 48 leƿneƿ 49 oƿiht. Līf 50 hio beaƿn 51 Ʒeƿƿeene. 52 næbbe Ʒ 53 ƿæƿ 54 leƿneƿ. 55 þon maƿe þe ƿio moðor. Līf hiƿe beaƿn 56 mon ofƿlea. 57 Ʒielde cŷninge 58 ƿaƿa 59 meðƿen-mæƷa 60 ðæl. ƿæðƿen-60 mæƷum hioƿa 61 ðæl 61 mon 62 aƷiƿe:.

63 BE BEARN-EALNUM ƿIFE OFSLÆLENUM.

ix. 64 Līf 65 mon ƿīf mið beaƿne ofƿlea þonne Ʒ beaƿn in

1/ Be þam þe ƿcūleð on cīrice. *B.* 2 cŷpīcena *G.* cīpcean *H.* 3 ˘ *B.* 4 cŷpīcean *B.* 5 ˘ *H.* 6 ƿæm *H.* 7 Ʒelimpan ƿŷlle æt oðrum ceƿpe *B.* 8 man *H.* 9 hanð *B.H.* 10 ðŷðe *H.* ƿcæl *superscribed.* 11 Līf *B.* 12 alŷƿan *H.* 13 lŷƿan ƿŷlle *B.* 14 Ʒeƿarƿan *H.* 15 ƿŷlle *B.* 16 Ʒŷlde *B.H.* 16/ Be þam þe man ƿeohteð on kŷningeƿ healle. *B.* 17 ƿæt *G.* þam *H.* 18 man *G.* 19 cŷningeƿ *G.* kŷningeƿ *H.* 20 Ʒeƿeohte *G.H.* 21 ˘ *B.* 22 on kŷningeƿ *B.H.* 23 halle *B.* 24 ƿæƿen *H.* 25 ƿæƿne ˘ *B.* 26 ƿŷ *B.H.* 27 ˘ *H.* 28 ƿorƷŷƿan *H.* 29 ƿŷlle. Līf *B.* 30 man *B.H.* 31 ˘ *B.E.H.* 32 ƿorƷŷlde *B.H.* 33 ƿeƿŷlde *H.* ƿeƿŷlde *B.* ƿeƿeƷlde *E.* 34 ˘ *B.* 35 Ʒeƿŷſhte *B.* 36/ Be þam þe nunnan of mŷnŷƿe ūt alæðað. *B.*

^a The 'angylde' is what in the Frisic and other Barbaric codes is called the 'simplum,' or single value of the property claimed, or in dispute.

OF STEALING IN A CHURCH.

6. If any one thief aught in a church, let him pay the ^a‘angylde,’ and the ‘wite,’ such as shall belong to the ‘angylde;’ and let the hand be struck off with which he did it. If he will redeem the hand, and that be allowed him, let him pay as may belong to his ‘wēr.’

IN CASE A MAN FIGHT IN THE KING’S HALL.

7. If any one fight in the king’s hall, or draw his weapon, and he be taken; be it in the king’s doom, either death, or life, as he may be willing to grant him. If he escape, and be taken again, let him pay for himself according to his ‘wer-gild,’ and make ‘bōt’ for the offence, as well ‘wēr’ as ‘wite,’ according as he may ^bhave wrought.

OF FORNICATION WITH A NUN.

8. If any one carry off a nun from a minster, without the king’s or the bishop’s leave, let him pay a hundred and twenty shillings, half to the king, half to the bishop and to the church-‘hlaford’ who owns the nun. If she live longer than he who carried her off, let her not have aught of his property. If she bear a child, let not that have of the property more than the mother. If any one slay her child, let him pay to the king the maternal kindred’s share; to the paternal kindred let their share be given.

OF SLAYING A CHILD-BEARING WOMAN.

9. If a man kill a woman with her child, while the child is

37 [~] H. [~] B. 38 ^f cýniger leafe B.H. 39 ^f byrceoper gerýlle B. byr-
coper – H. 40 ^f hunb-ƿentiz B. c.xx. H. 41 byrceope H. ^f byrceope
B. 42 *not in H.* 43 cýrice B. 44 þone munuc E. 45 ^f Gýf [~] B.
46 utlæbe B. 47 heo H. ^f – B. 48 ýrfer B.G. 49 apuht H. ^f napuht.
Gýf B. 50 [~] B. heo H. 51 gertpýne B. gertpíne H. *but orig.*
gertpíne. 52 naze H. 53 þer H. 54 ^f ýrfer na mape þonne reo
moðer. Gýf B. 55 þe H. 56 man H. ^f – [~] B. 57 gýlbe B. – þam H.
58 ^f þæra meþra maða B. 59 ^f mebbren maða H. 60 maðum H.
^f – heōþa B. 61 man H. 62 azyfe B. 63 Be þam þæt man ofplea ƿif
mib cilbe. B. 64 ^f Gýf man B. 65 hpa H.

^b [Perhaps, ‘as he may deserve:’ *geƿýpht* seems here to be the noun substantive *meritum*, rather than the participle passive, accompanied by *age* as an auxiliary.—T.]

¹hipe ²rie. forȝylde³ þone rymman⁴ fullan ⁵ȝylde. ȝ þ bearn.
be þær fæðren-cnoſleſe wepe. ⁶healfan ⁷ȝelde:.

Æ ⁸rie þ ⁹ſiſte .lx. ¹⁰reiff. oð þ anȝylde aſure to ¹¹.xxx.
reiff. ¹²riþþan hit to ¹³þam aſure. þ anȝylde. ¹⁴riþþan ¹⁵rie þ
ſiſte ¹⁶.c.xx. reiff. Geo¹⁷ pær ¹⁸ȝold-þeoſe^a ȝ ¹⁹ſtod-þeoſe
ȝ beo-þeoſe. ȝ ²⁰manȝu ſiſtu²¹ maſian þonne oðru. nu ²²ſint
²³ealle ȝelice butan²⁴ man-þeoſe ²⁵.c.xx. reiff:.

²⁶BE TPELF-ÞYNDES ²⁷MONNES ÞIFE FORLEGENUM.

x. ²⁸ſiſ ²⁹mon hæme mið ³⁰tpelf-hýndes ³¹monnes þife.³²
³³hund-tpelf-tiȝ³⁴ reiff. ³⁵ȝebete ³⁶þam wepe. ³⁷Siȝ-hýndum
men ³⁸hund-teontiȝ reiff. ³⁹ȝebete. ⁴⁰ſiephȝcum men ⁴¹ſeoſe-
tiȝ reiff. ȝebete^b:

BE ⁴²ſIRLIſLRE FÆMNAN ⁴³ONFENGE.

xi. ⁴⁴ſiſ ⁴⁵mon⁴⁶ on ⁴⁷ſiephȝre fæmnan bſeoſt ⁴⁸ȝeſoð. mið
⁴⁹.v. reiff. hipe ȝebete. ſiſ he ⁵⁰hie oſeſſeoſe ȝ mið ne
ȝehæme. ⁵¹mið .x. reiff. ȝebete. ⁵²ſiſ he mið ȝehæme.
mið ⁵³.lx. reiff. ⁵⁴ȝebete. ſiſ oðer ⁵⁵mon mið hipe ⁵⁶læȝe
⁵⁷æſ. rie⁵⁸ be healfum ⁵⁹þam þonne⁶⁰ ⁶¹ſio bōt. ſiſ ⁶²hie
mon⁶³ teo. ⁶⁴ȝeladie ⁶⁵[hi] be ⁶⁶ſiȝteȝum eħida. oþþe ⁶⁷þoliȝe

¹ hipe *H.* ² rȝ forȝylde *B.* – forȝylde *H.* ³ heo *H.* ⁴ ȝylde *B.H.*
⁵ halfan *B.* ⁶ ȝylde *B.H.* ⁷ rȝ *B.H.* ⁸ ˘ ſiſti *B.* ⁹ ſiſtiȝ *B.*
¹⁰ rȝþþan *B.* ¹¹ þæm *B.H.* ¹² rȝþþan *B.* ¹³ rȝ *B.H.* ¹⁴ hund-tpelf-
tiȝ. *ſpilon B.* ¹⁵ ˘ *B.* ¹⁶ -þeoſe *B.* ¹⁷ manȝu *H.* ˘ manȝ *B.*
¹⁸ rȝnþ *B.* ¹⁹ ealle ȝelice butan *B.H.* eal ȝelice *E.* ²⁰ hund-tpelftiȝ
B.H. ²¹ Be hæmed-þiȝum. *B.* ²² mannes *G.H.* ²³ ˘ *B.* ²⁴ man
H. ²⁵ xii. *H.* ²⁶ mannes *H.* ˘ ˘ *B.* ²⁷ c.xx. *H.* ²⁸ man *B.H.*
add. ²⁹ not in *B.* ³⁰ Siȝ. *B.* ³¹ c. *H.* ˘ hund-teontiȝen ſeȝill. *B.*

^a ‘Deoſe’ is the ‘diebe’ of the old German codes, the ‘dieve’ of Lower Saxony, and means ‘theft,’ not a thief. In Ine’s dooms we have ‘þȝe- (þeoſe) feoh, stolen goods.’ [Deoſe is, I doubt not, a case of þeoſ, and I have rendered it accordingly. The accuracy of Ine, c. 25. as given in *E.* (for which *H.* reads forþtolen feoh) is to me very questionable, as the same ms. has ‘ciepe-mon’ for ‘ceap-mon;’ besides, if þeoſe be a nominative, the words butan man-þeoſe would form a downright solecism.—*T.*]

in her, let him pay for the woman her full 'wer-gild,' and pay for the child half a 'wer-gild,' according to the 'wēr' of the father's kin.

Let the 'wite' be always *lx.* shillings, until the 'angylde' rise to *xxx.* shillings. After the 'angylde' has risen to that let the 'wite' be *cxx.* shillings. Formerly there was [a distinct 'wite'] for a gold-thief^a, and a mare-thief, and a bee-thief, and many 'wites,' greater than others; now are all alike, except for a man-thief, *cxx.* shillings.

OF THE ADULTERY OF A TWELVE-'HYNDE' MAN'S WIFE.

10. If a man lie with the wife of a twelve-'hynde' man, let him make 'bōt' to the husband with one hundred and twenty shillings. To a six-'hynde' man, let him make 'bōt' with one hundred shillings. To a 'ceorlish' man, let him make 'bōt' with forty shillings.^b

OF SEIZING HOLD OF A 'CEORLISH' WOMAN.

11. If a man seize hold of the breast of a 'ceorlish' woman, let him make 'bōt' to her with *v.* shillings. If he throw her down and do not lie with her, let him make 'bōt' with *x.* shillings. If he lie with her, let him make 'bōt' with *lx.* shillings. If another man had before lain with her, then let the 'bōt' be half that. If she be charged [therewith], let her clear

³² *Œopliŕcum B. Lȳpliŕcum H.* ³³ *ŕeoŕeŕtȳū B. xl. H.* ³⁴ *cȳŕliŕe G. ciepliŕe H.* ³⁵ *anŕenȳe G. onŕænȳe H. no rubr. in B.* ³⁶ *Œŕt ȳŕf man B.* ³⁷ *man H.* ³⁸ *ceopliŕcne B. cȳpliŕe H.* ³⁹ *B.E.H.* ⁴⁰ *ŕiŕ B.* ⁴¹ *hiȳ B. oŕeŕpeoppe hȳ H.* ⁴² *cȳn B.* ⁴³ *Lȳŕ B.* ⁴⁴ *ŕiŕtȳ B.* ⁴⁵ *hiȳ H. add.* ⁴⁶ *man B.H.* ⁴⁷ *ȳelæȳe H.* ⁴⁸ *ŕȳ B.H.* ⁴⁹ *not in B.* ⁵⁰ *ŕeo H. ' - B. boŕe H.* ⁵¹ *hi man B. hȳ - H.* ⁵² *ȳehlabȳe B. ȳelabȳe H.* ⁵³ *hi B. ȳehie E. hȳ H.* ⁵⁴ *lx. H. ' ŕiŕtȳum hiȳum B.* ⁵⁵ *pohe B.H.*

^b Lambard, and after him Wheloc and Wilkins, here adds a passage which will be found below, c. 18. 'And þæt ŕȳ on cŕic-æhtum ŕeo ȳoȳum and mon næniȳne mon on þæt ne ŕȳlle.' The Latin translations printed hereafter concur with our Anglo-Saxon mss. in omitting it; but the copy in Brompton agrees with Lambard.

^c For an illustration of this subject, see below, Ine, c. 14.

be ¹healfre þære² bote. ƒif ³[æðel]-bopenpan ƿifmen þif
 ƒelampe. ⁴peaxe ⁵ƿio bót⁶ be þam ƿepe:.

BE ⁷ƿUDA BÆRNETTE.

xii. ⁸ƒif ⁹mon oðreƿ ƿudu bæpneð oþþe heapeð ¹⁰un-
 aliefeðne. ƿorƒiðbe¹¹ ælc ƒneat ƿneop mið ¹².v. ƿeill. ƿ ¹³ƿifþan
¹⁴æƒhpýlc. ¹⁵ƿie ƿƿa ¹⁶ƿela ƿƿa ¹⁷hioƿa ƿie¹⁸ mið .v. ¹⁹ƿænin-
 ƒum. ƿ ²⁰.xxx. ƿeill.²¹ to ƿite:.

²²[²³ƒIF MÆN AFYLLLED BIÐ ON LEMENUM ƿEORLE.]

xiii. ²⁴ƒif ²⁵mon oðerne æt ƒemænan ƿeorce ²⁶offelle un-
 ƒeƿealdeƿ. ²⁷azƿfe ²⁸mon þam ²⁹mæƒum þ ƿneop. ƿ ³⁰h³¹ hit
 hæbben ær ³².xxx. nihta of ³³þam lande. ³⁴oþþe him ³⁵ƿð ³⁶ƿe
 to ƿeþe þone ƿudu aƒe:.

BE ³⁷DUMBERA MÆNNA DÆDUM.

xiv. ³⁸ƒif ³⁹mon ⁴⁰ƿie ðumb oþþe ðeāƿ ƒebopen. þ he ne
 mæƒe ⁴¹[hif] ⁴²ƿýnna ⁴³onƿecƒƒan ne ⁴⁴andettan. bete ƿe
 ƿædeƿ hif miƿðæða:.

⁴⁵BE ÐAM ⁴⁶MONNUM ÐE BEFORAN ⁴⁷BISLOPE FEOPTAÐ.

xv. ⁴⁸ƒif ⁴⁹mon beƿoran ⁵⁰æpcebiƿcepe ƒeƿeohte oþþe ƿæpne
⁵¹ƒebneƒðe. mið ⁵².l. ƿeill. ƿ hund-teontegum ƒebete. ƒif
 beƿoran oðrum ⁵³biƿcepe oþþe ⁵⁴ealðorpmen þif ƒelampe. mið
 hund-⁵⁵teontegum ƿeill. ƒebete:.

⁵⁶[BE ÐAM ƒIF MÆN OF MƿRAN FOLAN ADRIFÐ OÐÐE
 LU LÆLF.]

xvi. ⁵⁷ƒif ⁵⁸mon cu oþþe ⁵⁹ƿtoð-mýƿan ƿorƿtele. ƿ ƿolan

¹ healfrepe *B.* ² *B.* bopenpan *E.* ƿif bett- *H.* ³ pexe *B.* ⁴ ƿeo *H.*
 ' - *B.* ⁵ ƿuðe *B.*; but *B.* connects the two laws, and reads b. p. b.
 and ƒýf man, &c. ⁶ ƒif *B.* ⁷ man *B.H.* ⁸ unalýfeðne ƿorƒýlbe *B.*
 - ƿorƒilbe *H.* ⁹ ƿif *B.* ¹⁰ ƿifþan *B.* ¹¹ ælc *H.* ¹² ƿý *B.H.* ¹³ ƿeola
B. moniz *H.* ¹⁴ heopa ƿý *B.* ƿær - *H.* ¹⁵ penegum *B.* peningum
H. ¹⁶ ƿƿutiz ƿeill. *B.* halƿ punð superscribed. ¹⁷ *E.G.H.* incorporate
 this in the preceding law, omitting the rubric. ¹⁸ *B.* ¹⁹ ƒif *B.*
²⁰ man *B.H.* ²¹ offealle *B.H.* ²² azƿfe *B.* ²³ man *B.H.* ²⁴ mæƒon
B. mæƒum *H.* ²⁵ hý *H.* ²⁶ ƿƿutiz *B.H.* ²⁷ ƿæm *B.H.* ²⁸ ðon *H.*

herself with sixty ^ahides, or forfeit half the ‘bōt.’ If this befall a woman more nobly born, let the ‘bōt’ increase according to the ‘wēr.’

OF THE BURNING OF WOODS.

12. If a man burn or hew another’s wood without leave, let him pay for every great tree with v. shillings, and afterwards for each, let there be as many of them as may be, with v. pence; and xxx. shillings as ‘wite.’

IF ONE MAN SLAY ANOTHER AT THEIR COMMON WORK.

13. If at their common work one man slay another unwillingly, let the tree be given to the kindred, and let them have it off the land within xxx. days; or let him take possession of it who owns the wood.

OF DUMB MEN’S DEEDS.

14. If a man be born dumb or deaf, so that he cannot acknowledge or confess his offences, let the father make ‘bōt’ for his misdeeds.

OF THOSE MEN WHO FIGHT BEFORE A BISHOP.

15. If a man fight before an archbishop or draw his weapon, let him make ‘bōt’ with one hundred and fifty shillings. If before another bishop or an ealdorman this happen, let him make ‘bōt’ with one hundred shillings.

^bIN CASE ANY ONE DRIVE OFF A MARE’S FOAL OR A COW’S CALF.

16. If a man steal a cow or a stud-mare, and drive off the

add. ²⁹ *~ H.* ³⁰ *not in H.* ³¹ *ðumbra B.H.* ³² *ḡȝ B.* ³³ *man H.*
³⁴ *ȝȝ B.H.* ³⁵ *B.H.* ³⁶ *ȝȝne H.* ³⁷ *ætȝacan B.* *onȝæcgan H.*
³⁸ *ȝeanbettan H.* ³⁹ *Be þam þe man beȝoran, &c. B.* ⁴⁰ *mannum H.*
⁴¹ *biȝcope H.* *biȝcopum E.* ⁴² *ḡȝ B.* ⁴³ *man B.H.* ⁴⁴ *epeceb. B.*
aepcebiȝcope H. ⁴⁵ *ȝebȝeðe B.H.* ⁴⁶ *ȝȝȝum B.* ⁴⁷ *biȝcope B.*
biȝcope H. ⁴⁸ *ealðopm. B.* *ealðopman H.* ⁴⁹ *teontȝum B.*
⁵⁰ *E.G.H. incorporate this in the preceding law, omitting the rubric.*
⁵¹ *ḡȝ B.* ⁵² *man B.H.* ⁵³ *ȝcobmæpe B.*

^b [Read rather, as in the text, *Be þam ȝȝ man mȝpan ȝolan of-aðȝȝð, &c.—T.*]

oþþe cealf ¹oƿ-aþryfe. ²forȝelbe mid ³ƿcift. ⁊ þa ⁴modeþ be
⁵hioþa ƿeoþðe.

[BE ÐON ÐE OÐRUÐ ÐIS ^aUNMAGAN OÐFÆSTED.]

xvii. Līf ⁷hƿā oðrum hīf unmagān oðfæste. ⁊ he hine on
þære færtinge forfere. ⁸ȝetwiope hine facnef ȝe þe hine feðe
⁹ȝīf hine ¹⁰hƿā ¹¹hpelcef ¹²teð.

BE NUNNENĀ ¹³ONFENGE.

xviii. ¹⁴Līf hƿa nunnan mid ¹⁵hæmed-þinge. oþþe ¹⁶on hīfe
hƿæȝl oþþe on hīfe bƿeoƿt butan hīfe leaƿe ȝeƿð. ¹⁷ȝīe hit
¹⁸trȝ-bete. ȝƿa ƿe ¹⁹æſ be ²⁰læpðum men fundon. ²¹Līf be-
peððoduſ fæmne ²²hīe forlicȝe. ²³ȝīf ²⁴hīo ȝīe cīrlīc. ²⁵mid
·lx· ƿcift. ȝebete þam ²⁶bȝrȝean. ⁊ þ ²⁷ȝīe on ²⁸cīc-æhtum
bƿeo-ȝoðum. ⁊ ²⁹mon nænīȝne ‘mon’ on þ ne ³⁰ȝelle. Līf
³¹hīo ȝīe ȝȝx-hȝnðu. ³²hund-teontȝ ƿcift. ³³ȝeƿelle þam
³⁴bȝrȝean. ³⁵Līf hīo ³⁶ȝīe ·xii· ³⁷hȝnðu ·c.xx· ƿcift. ȝebete
þam ³⁸bȝrȝean.

¹ oƿaþryfeð *H.* ² forȝylbe *B.* forȝilbe *H.* ³ ƿcīxtȝ *B.* *add.*, and
ƿeoƿertȝum *superscribed B.* ƿcīllinge *H.* ⁴ moðop *B.* ⁵ heoþa *B.H.*
⁶ *B.* ⁷ *B.* ⁸ ȝetȝrȝīȝe *B.* ȝetƿeoƿȝīe *H.* ⁹ ȝȝf *B.* ¹⁰ *B.*
¹¹ hƿȝlcef *B.H.* ¹² *B.* ¹³ anbƿeneȝum *B.* anſenge *H.* ¹⁴ Lȝf *B.*
¹⁵ hæmed- *B.H.* hæmed *E.* ¹⁶ *not in B.* ¹⁷ ȝȝ *B.H.* ¹⁸ trībote *B.*
trȝbote *H.* ¹⁹ *B.* anſanðlice *H. add.* ²⁰ læpeðum *B.H.* ²¹ Lȝf
bepeððo *B.* bepeððoð *H.* ²² hī forlicȝe *B.* hȝ - *H.* ²³ ȝȝf *B.*

^a One of the Latin versions of Cnut's Laws, and which has considerable additions taken from various parts of the earlier collections, includes this law as a doom of the Danish king, and gives the following free translation of it: 'Si quis commendaverit hominem alicui homini, non parenti, et commendatus perierit in ipsa commendatione, et aliquis eum calumpniaverit quod dolositate sua perierit, purget se.' This approaches considerably nearer to the original than the 'Si quis alii sui quid imbecille commendet' of the Latin version. But 'unmaga' is capable of a more specific definition. In an old German Gloss to Gregory's *Liber Pastoralis*, written in the tenth century, and published in an appendix to the *Wiener Jahrbücher* for January 1827, the Latin *parvuli* is rendered 'unmage.' Another illustration of its meaning may be drawn from the old Swedish law, where 'omagi' is interpreted *pupillus, qui curatore eget*, and its converse 'moghandi man'—*adultus*. 'Thæn kallas moghandi

foal or the calf, let him pay with a shilling, and for the mothers according to their worth.

IN CASE ANY ONE COMMIT A MINOR TO ANOTHER'S KEEPING.

17. If any one commit his infant to another's keeping, and he die during such keeping, let him who feeds him prove himself innocent of treachery, if any one accuse him of aught.

OF SEIZING HOLD OF A NUN.

18. If any one, with libidinous intent, seize a nun either by her raiment or by her breast without her leave, let the 'bōt' be twofold, as we have before ordained concerning a laywoman. If a betrothed woman commit adultery, if she be of 'ceorlish' degree, let 'bōt' be made to the 'byrgea' with **lx.** shillings, and let it be in ^blive stock, cattle goods, and in that let no ^chuman being be given: if she be of six-'hynde' degree, let him pay one hundred shillings to the 'byrgea': if she be of **xii.** 'hynde' degree, let him make 'bōt' to the 'byrgea' with **cxx.** shillings.

24/ heo rý cneoplyc *H.* ^-ceoplyc *B.* 25/ rýxtiȝ *B.* 26/ þe hit ȝe-
býrȝe [ȝebýrȝe *H.*] *B.H.* 27/ rý *B.H.* 28/ cþýc- *B.* 29/ man
nænigne man *B.* - nænigne - *H.* 30/ rýlle *B.H.* 31/ heo rý rýx-
hýnbe *H.* ^- rýx-hýnbe *B.* 32/ c. *H.* 33/ ȝerýlle *B.* 34/ þe hit to
ȝebýrȝe *B.* - hit ȝebýrȝe *H.* 35/ Trýf heo *B.* 36/ rý *B.H.* 37/ hýnde
B.H. 38/ þe hit to ȝebýrȝe *B.* - hit ȝebýrȝe *H.*

man sum tiugher ara är.' *Upl. L. Kong.* B. c. 10. 6. 'He is called an adult who is twenty years old.' The substance of the law is also given in the custumal of Hen. I., where *puerum* takes the place of 'unmagan.' 'Si quis alterius puerum, qui vel ei commissus sit ad educandum vel docendum occidat vel dormiens opprimat, nihilominus reddat quam si virum adultum occidisset.' c. 88.

^b ['In good live stock.'—*P.* It is to be observed, however, that *ȝobum* is here not an adjective, but a substantive, forming a compound noun with *reo*: it seems originally to have been a marginal gloss to *cþic-æhtum*.—*T.*]

^c As the word 'mon' may be understood to mean a theow of either sex, it has not been translated literally. In the *Lex Frisionum* there is a similar classification of the slave with other live stock: *De rebus fugitivis*: 'Si servus aut ancilla, aut equus, aut bos, aut quodlibet animal fugiens dominum suum,' &c. *Add. Sup.* tit. viii. 1.

¹ BE ÐAM ² MONNUM ÐE ³ PEORA ⁴ PÆPNA TO ⁵ MON-
SLYÐTE LÆNAD.

xix. ⁶ Līf hƿa hīr ⁷ pæpner oðrum ⁸ onlæne ꝥ he ⁹ mon mid
oðrlea. ¹⁰ hie moton ¹¹ hie Ʒeromnian Ʒīf ¹² hie ƿillað to ¹³ þam
pere. ¹⁴ Līf hī hie ¹⁵ Ʒeramnian [nellen.] ¹⁶ Ʒielde Ʒe þær
pæpner ¹⁷ onlah þær pereƷ ¹⁸ þriddan ðæl Ʒ þær ƿiteƷ þriddan
ðæl. Līf he hīne ¹⁹ tƿerian ƿille. ꝥ he to ²⁰ þære læne
²¹ ƿacn ²² ne ƿīrte. ꝥ he mot. ²³ Līf ƿreorð-²⁴ hƿīta oðrer
²⁵ monner pæpn to ƿeorpmunƷe ²⁶ onfō. oþþe Ʒmīð ²⁷ monner
andƿeorc. ²⁸ hie hit ²⁹ Ʒerund beƷen ³⁰ aƷīran Ʒƿa hit hƿæðer
³¹ hīora ær ³² onfenge. ³³ buton ³⁴ hīora hƿæðer ær þīnƷode ꝥ he
hit anƷyðde healdan ne þorƿte.

BE ÐAM ³⁵ ÐE MUNELUM PEORA 'FEOP ³⁶ BUTAN LEAFE'
³⁷ BEFÆSTAD.

xx. ³⁸ Līf ³⁹ mon oðrer ⁴⁰ monner ⁴¹ munuce ƿeoh ⁴² oðfærte.
butan þær ⁴³ munuceƷ ⁴⁴ hlaforðer ⁴⁵ leƿnerƷe. Ʒ hit him
loraƷe. ⁴⁶ þolƷe hīr Ʒeþe hit ær ahte.

BE PREOSTA LEFEOPTE.

xxi. ⁴⁷ Līf ƿreorð oðerne man ⁴⁸ oðrlea. ƿeorpe ⁴⁹ mon to

¹ Be þam ƿe heope ƿepna lænað to manſlyhte *B.* ² mannum *G.H.*
³ hƿa *G.* ⁴ pæpn *G.* pæpen *E.* pæpna *H.* ⁵ manſlyhte *G.* man-
ſlyhte *H.* ⁶ Līf *B.* ⁷ pæpne *B.* pæpn *H.* but two letters have been
erased. ⁸ læne *B.H.* ⁹ man *B.H.* ¹⁰ hī *B.* hƿ *H.* ¹¹ hī Ʒeramnian
Ʒīf *B.* hƿ-Ʒīf *H.* ¹² hī *H.* hī ƿýllað *B.* ¹³ þam *B.H.* ¹⁴ Līf
heo hī ne *B.* Līf hī heo *H.* ¹⁵ Ʒerammien *E.B.H.* add. nellen
¹⁶ Ʒýlbe *B.* Ʒīlbe *H.* ¹⁷ onlænbe *B.* pær onlan *H.* ¹⁸ þridda ðæll.
Līf *B.* ¹⁹ tƿýpan *H.* tƿýppian ƿýlle *B.* ²⁰ þære ƿope and *H.* add.

^a A similar law, scarcely the same, is preserved in the custumal of
Hen. I.: 'Si quælibet arma politori vel emundatori commissâ sint ad
purgandum vel cuilibet ad servandum et de subito arripiantur ad
aliquid male agendum, justum est cui absoluta commissâ sunt, ab-
soluta restituat, nisi forte custodiam eorum diffinitis prælocutionibus
abdicaret.' c. 87. The old Latin version gives the close of the law
in similar terms. In both, however, there is an omission of the
original 'angylde.' The translation has been framed on the autho-
rity of the Bavarian law, which made a man responsible for those
things only that were committed to his keeping, on condition of being
paid for the trust: 'Si quis caballum aut quodlibet animalium genus
ad custodiendum mercede placita commendaverit, si perierit, ejusdem
meriti ille qui commendata suscepit, exsolvat; si tamen mercedem
fuerit pro custodia consecutus. Quod si etiam nulla placita mercede

OF THOSE MEN WHO LEND THEIR WEAPONS FOR
MAN-SLAYING.

19. If any one lend his weapon to another that he may kill some one therewith, they may join together if they will in the 'wēr.' If they will not join together, let him who lent the weapon pay of the 'wēr' a third part, and of the 'wite' a third part. If he be willing to justify himself, that he knew of no ill-design in the loan; that he may do. If a sword-polisher receive another man's weapon to furbish, or a smith a man's material, let them both return it^a sound as either of them may have before received it: ^bunless either of them had before agreed that he should not hold it 'angylde.'

OF THOSE WHO ENTRUST THEIR CATTLE TO MONKS
WITHOUT LEAVE.

20. If a man entrust cattle to another man's monk, without leave of the monk's lord, and it escape from him, let him forfeit it who before owned it.

OF THE FIGHTING OF PRIESTS.

21. If a priest kill another man, let all in his home that he

²¹ facne *B.* ²² nýrce *B.H.* ²³ Lýf *B.* ²⁴ ^ *B.* ²⁵ manner *H.*
 ^ - pepen *B.* ²⁶ ^ *E.H.* unbepfo *B.* ²⁷ manner *B.H.* ²⁸ hi *B.*
 hý *H.* ²⁹ azýren *B.* azýren *H.* ³⁰ heopa *B.H.* ³¹ unbepfenge *B.*
³² heopa hpeðer *B.H.* ³³ man *H.* *add.* ³⁴ ^not in *B.* ³⁵ beþærteð
B.G. ³⁶ Lýf *B.* ³⁷ man *H.* ³⁸ manner *H.* ³⁹ muneke *B.* ⁴⁰ be-
 þærte *B.* ^ - hýr hlaþorþer leaþe *H.* ⁴¹ munekeþ *B.* ⁴² alþerþ *B.*
superscribed. ⁴³ hleaþe *B.* ⁴⁴ loþre *H.* ⁴⁵ polie *B.* ⁴⁶ Lýf *B.*
⁴⁷ ^ *B.* ⁴⁸ man *H.*

susceperat et mortuum esse probaverit, nec ille mercedem requiratur nec ab illo aliquid requiratur. Eadem et de commodatis forma servetur.' Tit. xiv. c. 1.

^b [Mr. Price's version of this portion of the law is certainly not borne out by the words of the original: it was as follows, 'unless either of them had before agreed that he should not keep it for a requital.' The words, 'that he should not hold it 'angylde,' I understand to mean, that, in case of loss or damage while in his custody, he should not be liable for its 'angylde,' i.e. its price or value.—*T.*]

^c This specific rendering of 'feoh' is founded on the phrase, 'anð hīc him loþge;' which can be scarcely understood of any thing else than living and moving things.

1handa. eall þ he 2him 3hāmeſ 3bohte. 4 hine 4byrcep on-
hādige. 5 þonne hine 5mon of 6þam mýnſtſe 7aſſe. buton
re hlaforð þone peſ forþingian 8pille:

9 BE 10 EOFOTES ANDETLAN.

xxii. 10Liſ 11mon on folceſ ȝemote cýningeſ 12ȝeſeſan 13ȝe-
þpe 14eofoſ. 15 ȝ hiſ eft ȝeſpican pille. 16ȝeſtæle on 16pýhtſan
hand 17ȝiſ he 18mæȝe. 19ȝiſ he ne 20mæȝe. 21þoliec hiſ 22an-
ȝýldeſ. 23[ȝ fo to þam pite:]

1 him *B. superscribed.* 2 mib *B.H. add.* 3 bpohte *B.H.* 4 byrcep
H. 5 onhabie *B.* 6 man *H.* 6 þem *B.* þam *H.* 7 aſſe *B.* 8 pýlle
B. 9 Be cýningeſ ȝeſeſan þýrðe. *B.* Be þeoſeſ anbetta. *H.*

^a The mss. *B.* and *H.* read 'hameſ bpohte,' which would be the more intelligible text, if the verb 'bpingan' could be supported by other authority in such a regimen. The practice and the reason of the rule are mentioned: 'Res vero si quas ecclesiæ obtulerat, eas sacerdos reddat, ut habeat unde se redimat.' *Wilk. Conc.* i. 85. A similar text with that of ms. *E.* was before the author of the old Latin version, 'et totum unde sibi mansionem emerat;' and it is indirectly countenanced by the language of the old Danish law: 'Wil och nogen mana faare i kloster som haaffuer tofft oc hus, tha skal hana selge by-mendt thett med konningens wilge och skal före och giffue med seg rede penninghe till closter: If any man possessing a toft and a house be desirous of entering a monastery, he shall, with the king's permission, sell it to persons in the town, and (then) go and give the ready penny with himself to the monastery.' *King Eric's Copenhagen Law*, § 70. And unless it be a mere rhetorical flourish, the historian of Ramsey alludes to the same doctrine in the following passage: 'Decretum est ut si forte eorum quisquam contra regulam et statuta majorum recalcitrans, turbulentus in congregatione et inquietus inveniretur, tertix juxta regulæ sanctionem correptione nil emendatus a communione loci et consortio cæterorum exors ipse fieret et alienus: nullum postmodum nisi emendationis vitæ commercio reversionis aditum mercaturus.' i. c. 57. [Mr. Price had rendered the law thus, 'If a priest, &c. . . . let him be delivered up, and all wherewith he bought his residence, and let the bishop unhood him: then let him be given up from the minster,' &c. But the old Latin version, which he followed, is not authorized by the Saxon text; besides, how is a man to deliver up that which has been disposed of in the purchase of a residence? The regimen of bohte is not hameſ, but pæt in the line preceding. And how was he first to be delivered up, and afterwards given up? Mr. Price was apparently misled by the word 'and' in the second line, which, as it appears only in *E.* (which reads ȝ eall þ he him, &c.) and is subversive of the sense, I have not hesitated to suppress: hameſ I take to be an adverbial genitive, (like bæȝeſ, nihteſ,) the *domi* of the Latins.—*T.*]

had ^abought be delivered up, and let the bishop secularize him : then let him be given up from the minster, unless the lord will compound for his ‘wēr.’

OF ^b CONFESSION OF DEBT.

22. If any one at the folk-mote make declaration of a debt, and afterwards wish to withdraw it, let him charge it on a righter person, if he can ; if he cannot, ‘let him forfeit his ‘angylde,’ [and take possession of the ‘wite.’]

¹⁰ ȝyꝛ *B.* ¹¹ man *H.* ¹² ˘ *B.* ¹³ ȝeeopot uppe *H.* ¹⁴ þeorðe *B.*
¹⁵ ˘ *B.* ¹⁶ ȝihtȝan *B.* ¹⁷ ȝyꝛ *B.* ¹⁸ mæge *H.* ¹⁹ ȝyꝛ *B.* ²⁰ mæge *H.*
²¹ þolize *B.H.* ²² angylbeȝ *H.* ²³ *B.H.*

^b There is a variation between the rubric and the text, which is common to all the mss. : a circumstance, probably, arising from the practice of committing this division of the transcriber's duty to a separate class of writers, known by the name of rubricatores. It may be almost superfluous to remark, that these titles must have been a work of later date than the first enactment of the laws. Generally speaking, they are found unconnected with the text ; and, when given in conjunction with it, are almost always in a different handwriting. The mss. *B.* and *H.* give ‘þeor’ and ‘þȝrðe’ as equivalents for ‘eoꝛot’ ; and the Northumbrian Gloss, (Cott. ms. Nero, D. iv.) reads ‘eoꝛut’ (Matt. xviii. 25.) where Marshall's text has ‘ȝoꝛlb.’ The import of the term, therefore, may be divined, though it seems a stranger to the kindred dialects.

^c The purport of this seems to be, that if the plaintiff declined the prosecution without charging some other person with the same offence, he was to forfeit a sum equal to the value of the goods he had lost ; and which sum he had either paid into court, or was pledged by his borhs to make good, in case judgment was given for the defendant. The ms. *H.* adds, that he might receive back again the money he had deposited to meet the wite, or rather, perhaps, that he might withhold the wite ; for it does not appear that any money was actually paid, but that pledges were given for the amount. The object of the forfeiture seems to have been the prevention of secret compositions between the parties to a suit. The Latin versions translate ‘anþ ƿo to þam ƿite—et reddat witam præposito,’ which is not authorized by our text. [Mr. Price had rendered eoꝛot by ‘theft,’ without, I think, sufficient authority : his translation was as follows, ‘If a man at the folc-mote reveal a theft to the king's reeve, and afterwards he willeth to conceal it, let him fix it on a righter person, if he can : if he cannot, let him lose his angylde, and take to the wite.’ The clause within brackets I believe to be incomplete, and that we should read ȝ ƿo ȝe ȝeƿea to þam ƿite, ‘and let the reeve (as the king's officer) take possession of the wite.’ This reading will account for the Latin version, ‘et reddat witam præposito.’—*T.*]

BE ÞUNDES SLITE.

xxiii. ¹ Līf hund ² mon toſhlite oþþe ³ aþite. æt forþman
⁴ mīrðæde ⁵ ȝeſelle .vi. ſciff. ⁶ ȝīf he him mete ⁷ ſelle. æt
⁸ æfteran ⁹ ceſne' .xii. ſciff. æt þriddan ¹⁰ .xxx. ſciff. ¹¹ Līf
 æt ¹² þīrpa mīrðæda ¹³ hſelcepe ſe hund loſige. ȝa þeoſ bot
¹⁴ hſæðeſe forð. Līf ſe hund ma mīrðæda ȝeſýrce. ȝ he hine
 hæbbe. bete be fullan pepe. rpa ¹⁵ dolȝ-bote rpa' he ¹⁶ pýrce.

BE 17 NIETENA MISDÆDUM.

xxiv. ¹⁸ Līf ¹⁹ neat ²⁰ mon ȝepundige. peorpe þ neat to
²¹ honda oþþe forpe þingie.

BE 22 LEORLES MENNENES 23 NIED-ÞÆMDE.

xxv. Līf ²⁴ mon ceopleſ' mennen to ²⁵ ned-hæmde ȝe-
 þreateð. mið ²⁶ .v. ſciff. ȝebete þam ²⁷ ceople. ȝ ²⁸ .lx. ſciff. to
 rite. ²⁹ Līf ³⁰ þeoſmon þeoſne to ³¹ ned-hæmde ȝeneðe. bete
 mið hīſ ³² eoſende.

BE 33 UNLEPINTREDES ÞIFMANNES' 34 NED-ÞÆMDE.

xxvi. Līf ³⁵ mon unȝepintſædne þīrmon' to ³⁶ ned-hæmde
 ȝeþreateȝe. ³⁷ ſe þ ſpa þæſ ³⁸ ȝepintſedan ³⁹ monneſ bot.

*[BE MÆLLEASUM MONNUM.]

xxvii. ⁴⁰ Līf ⁴¹ jæðren-mæȝa ⁴² mæȝleaſ mon' ȝeſeohte. ȝ
⁴³ mon oſſſeā. ȝ þonne ⁴⁴ ȝīf ⁴⁵ [he] ⁴⁶ meðren-mæȝaſ' hæbbe.
⁴⁷ ȝielden þa þæſ peſeſ þriddan dæl. ⁴⁸ [þriddan dæl þa ȝe-
 ȝýlðan. ⁴⁹ for þriddan dæl] he fleo. ⁵⁰ Līf he meðren-
⁵¹ mæȝaſ naȝe. ⁵² ȝieldan þa ⁵³ ȝeȝýlðan heaſſne. ⁵⁴ for heaſſne
 he fleo.

¹ Līf *B.* ² man *B.H.* ³ *B.H.* ⁴ *B.* ⁵ ȝeſýlle *B.H.* ⁶ ȝīf *B.*
⁷ ſýlle *B.H.* ⁸ þam oðpan cýrpe *B.* ⁹ cīrpe *H.* ¹⁰ cīrpe *H. add.*
¹¹ Līf *B.* ¹² þīrpa *B.* ¹³ hſýlcepe *B.H.* ¹⁴ hſeðeſe *H.* ¹⁵ dolh- *H.*
 '— oþþe rpa hſæt *B.* ¹⁶ ȝeſýrce *B.H.* ¹⁷ nýtēna *B.H.* ¹⁸ Līf *B.*
¹⁹ manneſ-neat *H.* ²⁰ man *B.* ²¹ honda *B.H.* ²² cīopleſ *H.* ²³ nýð-
 hæmebe *B.H.* ²⁴ man *B.* '— cīopleſ *H.* ²⁵ nýð-hæmede *B.H.* ²⁶ rīf
B. ²⁷ cīople *H.* ²⁸ ſýhtȝ *B.* ²⁹ Līf *B.* ³⁰ -man *B.H.* ³¹ nýð-
 hæmebe ȝenýðe *B.* — ȝenýðe *H.* ³² hýðe *H.* ³³ unȝepintſaðeſ *G.*

^a [The rubric to this law, which I have supplied from Lambarde, who undoubtedly found it in his ms., is wanting in all the other mss. —*T.*]

OF TEARING BY A DOG.

23. If a dog tear or bite a man, for the first misdeed let vi. shillings be paid; if he [the owner] give him food; for the second time, xii. shillings; for the third, xxx. shillings. If, after any of these misdeeds, the dog escape, let this 'bōt' nevertheless take place. If the dog do more misdeeds, and he keep him; let him make 'bōt' according to the full 'wēr,' as well wound- 'bōt' as for whatever he may do.

OF MISDEEDS BY CATTLE.

24. If a neat wound a man, let the neat be delivered up or compounded for.

OF THE RAPE OF A 'CEORL'S' FEMALE SLAVE.

25. If a man commit a rape upon a 'ceorl's' female slave, let him make 'bōt' to the 'ceorl' with v. shillings, and let the 'wite' be lx. shillings. If a male 'theow' commit a rape upon a female 'theow,' let him make 'bōt' with his testicles.

OF THE RAPE OF A WOMAN UNDER AGE.

26. If a man commit a rape upon a woman under age, let the 'bōt' be as that of a full-aged person.

^a[OF KINLESS MEN.]

27. If a man, kinless of paternal relatives, fight, and slay a man, and then if he have maternal relatives, let them pay a third of the 'wēr,' his guild-brethren a third part; for a ^bthird let him flee. If he have no maternal relatives, let his guild-brethren pay half, for half let him flee.

' cȳngewintrebeȳ manne *H.* ³⁴ fleȳe *B.* fleȳe *G.* nȳð-hæmebe *H.*
³⁵ man ungewintrebeȳne wifman *B.H.* ³⁶ nȳðhæmebe *B.H.* ³⁷ ȳ *B.H.*
³⁸ gewintrebeȳ *B.* ³⁹ manne *B.H.* ⁴⁰ ȳȳ *B.* ⁴¹ fæbbpen- *H.*
⁴² mæȳȳleȳ man *B.* ⁴³ man *B.H.* ⁴⁴ ȳȳ *B.* ⁴⁵ *B.H.* ⁴⁶ mebbpen
H. / - mæȳȳ *B.* ⁴⁷ ȳȳben *B.* ȳȳben *H.* ⁴⁸ *B.H.* ⁴⁹ *H.* ⁵⁰ ȳȳ
B. ⁵¹ mæȳȳ *H.* / mæȳȳ næbbe *B.* ⁵² ȳȳben *B.* ȳȳben *H.* ⁵³ ȳe-
ȳȳben *B.* ȳeȳȳben *H.* ⁵⁴ and *H.* *add.*

^b In like manner, the old Danish law banished the offender for garth-gang, attended by homicide: 'Ok alt thæt hinhorær til [hanum] thær dræpæt hauær, utæn jorth, thæt wære innæn konungs

¹ BE SPÄ LERÆDES ² MONNES SLEGE.

xxviii. Līf ³mon gpa ƷeƷaðne ³mon ofplea. ⁴Ʒīf he ⁵mæƷaƷ
naƷe. ⁶Ʒīelbe mon' ⁷healƷne ⁸cýninge. ⁸healƷne ⁹þam ¹⁰Ʒe-
gildan:.

^a BE TPY-PYNDUM MÆN ÆT ^b PLOÐ-¹¹ SLYPTE.

xxix. ¹²Līf ¹³mon tƷý-hýnðne' ¹⁴mon unƷýnniƷne mið hloðe
ofplea. ¹⁵Ʒīelbe Ʒe' þæƷ ¹⁶ƷleƷeƷ andetta ¹⁷Ʒīe ƷeƷ Ʒ Ʒīte. Ʒ
¹⁸æƷhpelc mon' þe on ¹⁹[þæm] ²⁰Ʒīðe ƷæƷe ²¹ƷeƷelle .xxx.' Ʒcīf.
to ²²hloð-bote:.

BE ²³SYX-PYNDUM MÆN.

xxx. Līf hit ²⁴Ʒīe Ʒýx-hýnðe' ²⁵mon. ælc ²⁶mon to hloð-
bote ²⁷.lx. Ʒcīf. Ʒ Ʒe ƷlaƷa ²⁸ƷeƷ Ʒ ²⁹Ʒul Ʒīte:.

BE ³⁰ XII. PYNDUM MÆN.

xxxi. ³¹Līf he ³²Ʒīe tƷelp-hýnðe³³. ælc ³⁴hioƷa hund-tƷelp-
tiƷ Ʒcīf. ³⁵[Ʒ] Ʒe ƷlaƷa ƷeƷ Ʒ Ʒīte. Līf hloð þƷ Ʒeðð. Ʒ eƷt
³⁶oðƷƷeƷuan Ʒille.' ³⁷tið ³⁸[man] ³⁹hie ealle. Ʒ þonne ealle ⁴⁰ƷoƷ-
Ʒīelðen þone ⁴¹ƷeƷ ⁴²Ʒemænum ⁴³honðum. Ʒ ealle ⁴⁴æn Ʒīte.
Ʒpa to þam ƷeƷe ⁴⁵belimpe:.

⁴⁶ BE FOLL-⁴⁷ LEASUNLE LEPYRPTUM.

xxxii. Līf ⁴⁸mon Ʒolc-leaƷunge ƷeƷýƷce. Ʒ ⁴⁹hio on hine
^{c50}ƷeƷeƷƷ ƷeoƷðe. mið nanum leohƷƷan þinge Ʒebete þonne him

¹ *no rubric in B.* ^{2'} *manner ƷlæƷe H.* ³ *man B.H.* ⁴ *Ʒýf B.* ⁵ *ma-
ƷaƷ B.H.* ^{6'} *Ʒýlbe man B.* *Ʒīlbe - H.* ^{7'} *healƷe kýninge B.* ⁸ *ƷeƷe
þæm H. add.* ⁹ *þæm H.* ¹⁰ *ƷeƷýlðan B.H.* ¹¹ *Ʒīhte B.H.* ¹² *Lýf
B.* ¹³ *man H.* ¹⁴ *man B.H.* ¹⁵ *Ʒýlbe B.* ¹⁶ *ƷleƷeƷ B.* ¹⁷ *Ʒý B.H.* ¹⁸ *ælc B.* ¹⁹ *æƷhpýlc ƷæƷa H.*
²⁰ *B.H.* ²¹ *Ʒýðe B.H.* ²² *ƷeƷýlle þƷittiz B.* ²³ *loð- B.* ²⁴ *Ʒý H.* ²⁵ *man B.H.* ²⁶ *not in B.* ²⁷ *ƷeoƷeƷtiƷ*

wald, ok han fly siælf frithlōs. And all that belongs to him who struck the mortal blow—except his land—shall be forfeit to the king, and let him flee frithless.' *Eric's Zealand Law*, II. c. 3. In the custumal of Hen. I. this passage is given, 'pro dimidia fugiat vel componat.' The composition, though not expressed in the A.S. text, might have been understood.

^a In *B.* and *H.* this and cc. 30. 31. follow c. 24.

OF SLAYING A MAN THUS CIRCUMSTANCED.

28. If a man kill a man thus circumstanced, if he have no relatives, let half be paid to the king; half to his guild-brethren.

^a OF ^b 'HLOTH' -SLAYING OF A 'TWY-HYNDE' MAN.

29. If any one with a 'hloth' slay an unoffending 'twy-hynde' man, let him who acknowledges the death-blow pay 'wēr' and 'wite;' and let every one who was of the party pay xxx. shillings as 'hloth-bōt.'

OF A SIX- 'HYNDE' MAN.

30. If it be a six- 'hynde' man, let every man pay lx. shillings as 'hloth-bōt;' and the slayer, 'wēr' and full 'wite.'

OF A TWELVE- 'HYNDE' MAN.

31. If he be a twelve- 'hynde' man, let each of them pay one hundred and twenty shillings; and the slayer, 'wēr' and 'wite.' If a 'hloth' do this, and afterwards will deny it on oath, let them all be accused, and let them then all pay the 'wēr' in common; and all, one 'wite,' such as shall belong to the 'wēr.'

OF THOSE WHO COMMIT 'FOLK-LEASING.'

32. If a man commit 'folk-leasing,' and it be fixed upon him, with no lighter thing let him make 'bōt' than that his

B. ²⁸ *pepe.* *B.* ²⁹ *fullwite* *H.* ³⁰ *twylf-henðum* *B.* ³¹ *Twylf* *B.* ³² *Twylf* *B.H.* ³³ *man* *B. add.* ³⁴ *heopa* *B.H.* ³⁵ *B.H.* ³⁶ *ætwerian* *pylle* *B.* ³⁷ *teo* *B.H.* ³⁸ *H.* ³⁹ *hi* *B.H.* ⁴⁰ *forwylben* *B.* *forwylben* *H.* ⁴¹ *wær* *H.* ⁴² *gemæne* *B.* ⁴³ *handum* *B.H.* ⁴⁴ *~* *H.* ⁴⁵ *to-* *B.* ⁴⁶ *no rubr. in B.* ⁴⁷ *leafunga* *G.* ⁴⁸ *man* *H.* ⁴⁹ *heo* *B.H.* ⁵⁰ *weræf* *B.* *weræf* *H.*

^b According to Ine's laws, c. 13., a hloth might consist of any number of men 'from seven to five and thirty.'

^c The context may be said to have furnished the translation of this passage. Our vocabularies supply only a few remote analogies in illustration of *weræf* and *weræf*; but these concur in supporting the version given.

¹mon aceorfe þa tunzan ²ôf. þ ³hie môn nā' undeorpan
⁴feorðe morfe ⁵lēran þonne ⁶hie mon be ⁷þam pepe ⁸geeah-
 tige:.^a

BE LOD-⁹BORLEUM.

xxxiii. ¹⁰Lif hƿā' oðerne ^bgod-borger oneunne. ƿ ¹¹tion
 pille. þ he ¹²hƿelcne ne zelæfte þara þe he him gerealde.
¹³aƿife þone forpe-að on feoper ¹⁴cƿicum. ƿ ge oðer. ¹⁵ƿif he
 hine ¹⁶treorpan ¹⁷pille. ¹⁸in .xii. cƿicum do ¹⁹he þæt:.

BE ²⁰LIEPE-MANNUM.

xxxiv. Eac ƿ ²¹liepe-monnum gereht. ²²þa men þe ²³hie
 up mid ²⁴him læden gebrenzen' beforan ²⁵kýninges gerefan
 on folc-gemote. ƿ ^{c26}gerecce hu ²⁷manega þara rien. ƿ ²⁸hie
 nimen þa men ²⁹mid ³⁰him þe ³¹hie mægen' eft to folc-gemote
^{d32}to rýhte' brenzan. ƿ ³³þonne him' þearf ³⁴ƿie ma manna'
 ſƿ mid ³⁵him to ³⁶hæbbanne ³⁷on ³⁸hiora fōre' gecyðe
³⁹rýmle. ƿpa of ƿpa ⁴⁰him þearf ⁴¹ƿie. in' gemotes ⁴²geƿit-
 nerre cýninges gerefan:.

¹ man *H.* ² *B.E.* ³ heo *B.* ⁴ hƿā' *H.* ⁵ ƿurðe *B.* ⁶ *B.* alýran
H. ⁷ heo *H.* ⁸ *B.* ⁹ þæm *H.* ¹⁰ *B.* ¹¹ geihtige *B.* ¹² -bophƿum *B.*
¹³ Líf *B.* ¹⁴ teon *H.* ¹⁵ -pýlle *B.* ¹⁶ hƿelcne *B.* hƿelcne *H.*
¹⁷ aƿife *B.* ¹⁸ cƿicum *B.* ¹⁹ ƿif *B.* ²⁰ treorpan *H.* ²¹ pýlle in
 tƿelf *B.* ²² on *H.* ²³ not in *H.* ²⁴ cƿymanum *B.* cƿemannum
G.H. ²⁵ cƿemannum *B.H.* ²⁶ þæt *B.* add. ²⁷ hi *B.* hƿ *H.*

^a In the time of Fleta, this offence was punished with imprisonment at the pleasure of the court: 'Sunt etiam quædam atroces injuriæ quæ prisonam voluntariam inducunt, sicut de inventoribus malorum rumorum, unde *pax possit exterminari.*' Lib. II. c. 1.

^b This species of pledge seems to be thus spoken of in the Welsh Laws: 'If a person pledge his baptismal vow for a debt, let him either pay or deny it, as the law requires. The church and the king ought to enforce the baptismal vow; for God is accepted in lieu of a security.' *Wotton*, p. 114. The practice seems not to have been wholly obsolete in the time of Fleta: 'Inter quos (sc. mercatores) vero habetur talis consuetudo, quod si tallia proferatur contra talliam, allegando per eam solutionem rei petitiæ, si ex parte adversa dedicatur, tunc considerandum erit quod ille, cujus tallia dedicatur eam probet hoc modo; quod adeat novem ecclesias, et super novem altaria juret, quod talis querens talliam deductam sibi fecit nomine acquietantiæ debiti in ea contenti, sic ipsum Deus adjuvet et hæc sancta.' Lib. II. c. 63.

A better understanding of the subject matter might, perhaps,

tongue be cut out; which must not be redeemed at any cheaper rate than it is estimated at according to his 'wēr.'^a

OF 'GOD-BORHS.'

33. If any one accuse another on account of a ^b 'god-borh,' and wish to make plaint that he has not fulfilled any of those ['god-borhs'] which he gave him, let him make his 'fore-ath' in four churches; and if the other will prove himself innocent, let him do so in XII. churches.

OF CHAPMEN.

34. It is also directed to chapmen, that they bring the men whom they take up with them before the king's reeve at the folk-mote, and let it be stated how many of them there are; and let them take such men with them as they may be able afterwards to present for justice at the folk-mote; and when they have need of more men up with them on their journey, let them always declare it, as often as their need may be, to the king's reeve, in presence of the 'gemōt.'

24' heom læban (*or* læbað) ȝebpungan *B.* - læban ȝebpunge *H.* 25 cý-
 ninger *B.H.* 26 ȝepecca *B.* 27' monie þæpa ȝyn *B.* monize - *H.*
 28 hi *B.* hý *H.* 29 up *H. add.* 30 heom *B.* 31' hīȝ maȝon *B.* hý -
H. 32' not in *B.* 33' þonon heom *B.* 34 ȝý *H.* ' - *B.* 35 heom *B.*
 36 habbanne *B.H.* 37 to *H.* 38 heopa *H.* ' - *B.* 39 ȝymbble *B.H.*
 40 not in *B.* 41 ȝý *B.* ' - on *H.* 42 ȝepitnȝŕe *B.*

enable us to translate 'þæt he hþelcne ne ȝelærte þapa þe he him ȝepealbe,' thus: that he has not returned him any of those things which he delivered to him; or, that he has not fulfilled one of those things on account of which he gave him the god-borh. [The latter of these interpretations seems to me a closer approximation to the sense of the original than either the one immediately preceding, or that which had been given in the text, which I subjoin, that the reader, amid such a variety, may be enabled to follow his own judgment, viz., 'If any one accuse another of god-borh, and willet to make plaint that he has not delivered to him any of those things which he had sold him,' &c. My predecessor had apparently omitted to notice that hþelcne is a masculine singular and the relative to ȝob-boph.—*T.*]

^c [Supply 'man' after ȝepecca. A precisely similar ellipsis occurs at c. 41.—*T.*]

^d *bring to right, i. e.* produce and present them at the folc-mote, or any other court, to answer any charge or suit brought against them.

BE ¹LIERLISLES ²MONNES BYNDELLAN.

xxxv. Líf ³mon ⁴ceorlycene ⁵mon gebinde ⁶unŷýnnigne-
 gebete mid ⁷.x. ƿcift. ⁸Líf hine ⁹mon beƿringe. mid ¹⁰ƿpentiz
 ƿcift. gebete. ¹¹Líf he hine on ¹²henzene ¹³alecƷze. mid
¹⁴.xxx. ¹⁵ƿcift. gebete. ¹⁶Líf he hine on ¹⁷byrmon to ¹⁸ho-
 molan beƿcýpe. mid .x. ƿcift. gebete. ¹⁹Líf he hine to
 ƿneorƿe ²⁰beƿcýpe unbundenne. mid .xxx. ƿcift. gebete. Líf
 he þone beapd ²¹of-aƿcýpe. mid .xx. ƿcift. gebete. ²²Líf he
 hine gebinde. ƿ þonne to ƿneorƿe ²³beƿcýpe. mid ²⁴.lx. ƿcift.
 gebete:.

BE SPERES ²⁵LEMELEASNESSE.

xxxvi. ²⁶Eac iƿ ²⁷geƿunden. Ʒif ²⁸mon ²⁹haƿað ƿpepe ofeƿ
³⁰eaxe. ƿ hine ³¹mon on-aƿnaƿeð. Ʒielde' þone ƿeƿ ³²butan
 ƿite. Líf beƿoran eaƷum ³³aƿnaƿe. ³⁴Ʒielde þone ƿeƿ. ³⁵Líf
 hine ³⁶mon to' geƿealdeƿ on þære dæde. ³⁷Ʒeƿroƿie hine be
³⁸þam ƿite. ƿ mid ³⁹þý þ ƿite ⁴⁰aƿelle. ⁴¹[And þiƿ beo] ⁴²Ʒif
 ƿe ofd ⁴³ƿie ⁴⁴[þreo ƿinƷne] ⁴⁵uƿon þonne ⁴⁶hindeƿeapd ƿceafƿ.
⁴⁷Ʒif ⁴⁸hie' ⁴⁹ƿien ⁵⁰bú Ʒelic. onð ƿ hindeƿeapd ƿceafƿ. þ ⁵¹ƿie
 butan ƿleo:.

¹ ceorlyceƿ *B.* cýrlyceƿ *G.* ² manneƿ *G.* ' - binðelan *B.* - bynðelan *H.* ³ man *H.* ⁴ ceorlycene *B.* ⁵ man *H.* ⁶ unŷýlbigne *B.* ⁷ týn *B.*
⁸ Líf *B.* ⁹ man *B.H.* ¹⁰ xx. *H.* ¹¹ Líf *B.* ¹² henzene *B.* ¹³ ge-
 bƿinge *B.H.* ¹⁴ þƿitiz *B.* ¹⁵ Ʒeillinga *H.* ¹⁶ Líf *B.* ¹⁷ byrmen *H.*
¹⁸ homelan beƿcýpe *B.H.* ¹⁹ Líf *B.* ²⁰ beƿcýpe *B.H.* ²¹ ofaƿceƿe
B. ofaƿcýpe *H.* ²² Líf *B.* ²³ beƿcýpe *B.H.* ²⁴ ƿixtiz *B.* ƿeƿeƿtiz
superscribed. ²⁵ Ʒýmeleaƿe *B.* Ʒýmeleaƿneƿe *G.H.* ²⁶ Líf *B.*

^a 'A person with his head shaved,' of which the disgrace was, that it formed a part of an ignominious punishment inflicted upon slaves, and offenders of the worst class. Vid. Du Cange in voc. 'Decalvare' ' publice virgis cæsus et sub inhonesto ludibrio turpiter decalvatus.' *Pet. Damian.* Lib. i. Epist. 10. See also Haltaus under the word 'Harscar:' 'Si is qui incusatur se excusare aut expurgare nequiverit, III. solidos componat et persolvat; et si noluerit persolvere, crinibus turpiter abscissis, virgis excorietur.' dipl. an. 1608. A shaved head was also a mark of a madman or a fool.

^b This term is used in a legal sense. Haltaus defines it: 'est disquirendo cogitandoque in causa quid verum, justum et æquum cognoscere.' p. 458.

^c The addition from *B.* seems necessary to a modern reader, and that from *H.* is supported by all the Latin versions: 'si acutum lanceæ sit altius tribus digitis quam cuspis.' The same law is more

OF BINDING A 'CEORLISH' MAN.

35. If any one bind an unoffending 'ceorlish' man, let him make 'bōt' with x. shillings. If any one scourge him, let him make 'bōt' with twenty shillings. If he lay him in prison, let him make 'bōt' with xxx. shillings. If, in insult, he shave his head like a ^a 'homola,' let him make 'bōt' with x. shillings. If, without binding him, he shave him like a priest, let him make 'bōt' with xxx. shillings. If he shave off his beard, let him make 'bōt' with xx. shillings. If he bind him, and then shave him like a priest, let him make 'bōt' with lx. shillings.

OF HEEDLESSNESS WITH A SPEAR.

36. It is moreover decreed: if a man have a spear over his shoulder, and any man stake himself upon it, that he pay the 'wēr' without the 'wite.' If he stake himself before his face, let him pay the 'wēr.' If he be accused of wilfulness in the deed, let him clear himself according to the 'wite;' and with that let the 'wite' abate. ° And let this be if the point be three fingers higher than the ^d hindmost part of the shaft; if they be both on a level, the point and the hindmost part of the shaft, be that without danger.

²⁷ man *H.* ²⁸ hæfð *B.* ²⁹ eazlen *H.* ^{30'} man ongnæreð zylbe *B.*
 - onarnæreð zylbe *H.* ³¹ buton *B.* ³² arnære *H.* not in *B.* ³³ zylbe
B.H. ³⁴ Lȳf *B.* ^{35'} man ƿeo *B.H.* ³⁶ Ʒecƿeoppe *B.* Ʒecƿype *H.*
³⁷ þæm *H.* ³⁸ þam *B.* ³⁹ aƿylle *B.H.* ⁴⁰ *B.* ⁴¹ zȳf *B.* ⁴² rȳ *B.H.*
⁴³ *H.* ⁴⁴ uƿon *H.* ^{45'} Æc zȳf hī *B.* ⁴⁶ hȳ *H.* ⁴⁷ rȳn *B.H.* ⁴⁸ ~ *H.*
⁴⁹ buta Ʒelice *B.* ⁴⁹ rȳ *B.H.*

fully given in the laws of Hen. I. c. 88. 'Si quis in arma ejusdam irruat vel incidat ut inde moriatur, et ejus solius culpa compareat, ita sit; tamen ille ejus arma erant non indiscrete, ea suscipiat. Tractandum vero est in agendis hujusmodi de modo portationis vel positionis armorum, de loco positionis, de eo qui posuit, quid quomodo contigerit. Si quis lanceam ferat super humerum, et inde quis occidatur, reddatur pretio nativitatis ejus sine wyta. Si acumen lanceæ ante oculos portitoris sit, weram mortui reddat, et si impossibilitatis accusetur, in eo pernegare studeat secundum pretium wytæ et ita remaneat. Si vero cuspis et acies lanceæ pari sustentatione respondeant, sine culpa sit.' The Welsh laws give instructions for the manner in which the apparitor is to carry his spear: his spear must be the length of three cubits; two parts of it must extend behind him, and one before, carrying it on his shoulder. *Wotton*, p. 62.

^a [Literally, *hindward shaft*; a similar idiom to which occurs in

OF A 'BOLD-GETÆL.'

37. If a man from one 'bold-getæl' wish to seek a lord in another ^a 'bold-getæl,' let him do it with the knowledge of the 'ealdorman' whom he before followed in his shire. If he do it without his knowledge, let him who entertains him as his man pay cxx. shillings as 'wite;' let him, however, deal the half to the king in the shire where he before followed, half in that into which he comes. If he has done any wrong where he before was, let him make 'bōt' for it who has then received him as his man; and to the king cxx. shillings as 'wite.'

IN CASE A MAN FIGHT BEFORE AN 'EALDORMAN'
IN THE 'GEMŌT.'

38. If a man fight before a king's 'ealdorman' in the 'gemōt,' let him make 'bōt' with 'wēr' and 'wite,' as it may be right; and before this, cxx. shillings to the 'ealdorman' as 'wite.' If he disturb the folk-mote by drawing his weapon, one hundred and twenty shillings to the 'ealdorman' as 'wite.' If aught of this happen before a king's 'ealdorman's' junior, or a king's priest, xxx. shillings as 'wite.'

OF FIGHTING IN A 'CEORLISH' MAN'S 'FLET.'

39. If any one fight in a 'ceorlish' man's 'flet,' with six

³⁷ peohtað B. ³⁸ niht B. ³⁹ rý B.H. ⁴⁰ hunb-ƿelfeƿiz B. ⁴¹ ealdopm̃ ƿ hunb-ƿelfeƿiz ƿeall. to ƿite B. *but this repetition of the fine has been occasioned by the negligence of the scribe, who has omitted the whole of the following sentence, except these concluding words.* ealþepmen H. ⁴² folceƿ- H. ⁴³ ealþepmen c.xx. H. ⁴⁴ not in H. ⁴⁵ Lȳf B. ⁴⁶ þýrre B. þýrre H. ⁴⁷ ealþepmanner H. ⁴⁸ þƿiƿeƿiz B. ⁴⁹ ƿeallinȝar H. ⁵⁰ cýþlȝeƿ B.G. ⁵¹ manner B.G.H. ⁵² ƿlett- B.H. ⁵³ B. ⁵⁴ ceoplyceƿ manner B. cioplyceƿ - H.

this law; and renders the passage in the text, 'si autem quid tale factum fuerit ante vice-comitem.' There is some reason for suspecting that the author of this version was not an Englishman; and in using the term 'vice-comitem' he may have followed the rule of the French law, where the vice-comes seems to have been the deputy of the count. In England, the gerefa was the king's officer: and the term 'gungpa' (junior) seems therefore to be applied in its usual acceptation, and intended of an officer sitting for the ealdorman. Thus, too, the king's priest, it is presumed, sat and officiated for the bishop.

mīð ¹ŕýx ŕcīſt. ȝebete þam ²ceople. Ȝīŕ ³hē pæpne ȝebpæde
 ȝ ⁴no ŕeohte. ⁵ŕie be healfum þam. ⁶Ȝīŕ ŕýx'-hýndum
⁷þīŕŕa ⁸hpæðer ȝelīmpē. ⁹þŕīŕealðlice ¹⁰[āŕŕe ¹¹be þære
¹²cīŕlīŕcan bote. ¹³.xii.-hýndum men. ȕŕýŕealðlice] be þær
¹⁴ŕýx-hýndan bote.:

¹⁵[BE BURÐ-BRYLE.]

xL. Lýningeŕ ¹⁶bupȝ-bŕýce bið ¹⁷.c.xx. ŕcīſt. ¹⁸Ɔŕcebiŕ-
 cepeŕ. hund-niȝontīȝ' ŕcīſt. Oðŕeŕ ¹⁹biŕcepeŕ. ȝ ²⁰ealðop-
 monneŕ .lx.' ŕcīſt. ²¹ȕŕelf-hýnðeŕ ²²monneŕ .xxx.' ŕcīſt.
²³ðýx-hýnðeŕ ²⁴monneŕ .xv. ŕcīſt.' Leopŕeŕ ²⁵eðop-bŕýce .v.'
 ŕcīſt. Ȝīŕ ²⁶þīŕŕeŕ hpæt ȝelīmpē ²⁷þenðen ŕýŕð ute ²⁸ŕie. oþþe
 in ²⁹Lencten-ŕæŕten.' hit ³⁰ŕie ³¹ȕŕý-bote. Ȝīŕ ³²mon ³³in
 Lencten' ^ahalȝ ³⁴ŕýht ³⁵in ŕolce ³⁶butan leape ³⁷alecȝȝe-
 ȝebete mīð ³⁸.c.xx. ŕcīſt.:

BE ³⁹BOL-LONDUM.

xLi. ðe ⁴⁰mon ŕeþe boc-land hæbbe ȝ him ⁴¹hiŕ mæȝaŕ
 leapðen.' þonne ŕetton þe þ he hit ne ⁴²moŕte ŕellan' of hiŕ
 mæȝ-bupȝe. ȝīŕ þær bið ⁴³ȝeŕŕit oþþe ⁴⁴ȝeŕitneŕ þ hit þaŕa
 manna ⁴⁵ŕopbod pæpe þe hit on ŕŕuman ⁴⁶ȝeŕŕinðon. ȝ þaŕa
 þe hit him ŕealðon. þ he ŕŕa ne mote. ȝ þ þonne. on cý-
 ningeŕ ⁴⁷ȝ on biŕceopeŕ ȝeŕitneŕŕe ^bȝeŕeccc. beŕoŕan hiŕ
⁴⁸mæȝum.:

¹ŕix *B. vi. H.* ²ceople *H.* ³' *B.* ⁴ne *B.H.* ⁵ŕý *B.H.* ⁶Ȝýŕ
 ŕix *B.* ⁷men *B.H. add.* ⁸hpæðer *B.* ⁹þŕýŕealðlice *B.* þŕīŕealð-
 lice *H.* ¹⁰*B.H.* ' *B.* ¹¹bæ *B.* ¹²cýŕlīŕcan *B.* ¹³ȕŕelf *B.*
¹⁴ŕix-hýndum *B.* ¹⁵*no rubric in E.G.H. and incorporated in the*
foregoing law. ¹⁶bupȝ-bŕýce *B.* bupȝ-bŕice *H.* ¹⁷hund-ȕŕelfŕīȝ *B.*
¹⁸' epceð. hund-niȝontī *B.* epcebiŕceopeŕ *H.* ¹⁹biŕceopeŕ *B.* biŕceopeŕ
H. ²⁰ealðopmanneŕ ŕýxtīȝ *B.* ealðepmanneŕ ŕixŕīȝ *H.* ²¹xii. *H.*
²²' manneŕ þŕīŕŕīȝ *B.H.* ²³ðix *B.* ²⁴manneŕ *H.* ' - ŕŕŕýne ŕcýſt. *B.*

^a All the mss. agree in this reading. Lambard, and after him Wheloc and Wilkins, read 'halȝ ŕýŕt,' which is supported by all the Latin mss. 'Si quis in Quadragesima sanctum velum in populo sine recto deponat emendet c. viginti sol.' This, if the true reading, would refer to the 'velum Quadragesimale,' which during Lent was hung before the altar while the Liturgy was read. Du Cange, *Velum*. It is, however, difficult to resist the united authority of all the Anglo-Saxon texts, notwithstanding the obscurity which, by

shillings let him make 'bōt' to the 'ceorl.' If he draw his weapon and fight not, let it be half of that. If, however, either of these happen to a six-'hynde' man, let it increase threefoldly, according to the 'ceorlish' 'bōt' to a twelve-'hynde' man, twofoldly, according to the six-'hynde's' 'bōt.'

OF 'BURH-BRYCE.'

40. The king's 'burh-bryce' shall be cxx. shillings. An archbishop's, ninety shillings. Any other bishop's, and an 'ealdorman's,' lx. shillings. A twelve-'hynde' man's, xxx. shillings. A six-'hynde' man's, xv. shillings. A 'ceorl's edor-bryce,' v. shillings. If aught of this happen when the 'fyrd' is out, or in Lent fast, let the 'bōt' be twofold. If any one in Lent put down holy law among the people without leave, let him make 'bōt' with cxx. shillings.

OF 'BOC-LANDS.'

41. The man who has 'boc-land,' and which his kindred left him, then ordain we that he must not give it from his 'mæg-burg,' if there be writing or witness that it was forbidden by those men who at first acquired it, and by those who gave it to him, that he should do so; and then let that be declared in the presence of the king and of the bishop, before his kinsmen.

²⁵ eðorþþrice *H.* ²⁶ eðorþþryce fīf *B.* ²⁶ þýrre *H.* ²⁷ þonne *B.H.*
²⁸ fý *B.H.* ²⁹ Lenctene *B.* ³⁰ Lencten *H.* ³⁰ fý *H.* ³¹ tþibote *B.*
³² man *H.* ³³ on Lencten *B.* – ³⁴ Lencten *H.* ³⁴ þiht *B.* ³⁵ on *H.*
³⁶ buton *B.* ³⁷ alecge *B.H.* ³⁸ hund-tþelftīgum *B.H.* ³⁹ bōclanþe
B.: this rubric stands as the catch-word in *B.*, but the following leaf
is wanting. ⁴⁰ boclanþum *H.* ⁴⁰ man *H.* ⁴¹ þonne hīr ýlþan læþþan
H. ⁴² mōt fýllan *H.* ⁴³ Ʒepnūt *H.* ⁴⁴ ƷepitneƷre *H.* ⁴⁵ fobboþ *H.*
⁴⁶ Ʒerþn-þnon *H.* ⁴⁷ ge *H.* ⁴⁸ maƷum *H.*

acknowledging it, is thus made to attend the subject. The 'halƷ þýht' may refer to the canons of the church, which prohibit all games, festivals, christenings, marriages, &c. during this sacred season; and the 'putting down of holy law' may have meant the permission of such ceremonies or pastimes, and any neglect of the rigid fast enjoined. See *Bingham's Origines*, xxi., 1, 22, 23.

^b [That is Ʒepece man; see c. 34.—*T.*]

BE 1 FÆPÐUM.

XLII. Eac pe beodað. 1^ere 2^emon 3^ere 4^ere ham-5^ere
 tendne 6^ere. 7^e he ne feohte ærþam þe he him 8^ere biðde.
 9^ere he mægner hæbbe 10^e he 11^ere 12^ere beþe. 13^ere 14^ere be-
 15^ere. gehealde hine 16^ere. 17^ere 18^ere 19^ere. 20^ere 21^ere 22^ere. 23^ere 24^ere 25^ere. 26^ere 27^ere 28^ere. 29^ere 30^ere 31^ere. 32^ere 33^ere 34^ere. 35^ere 36^ere 37^ere. 38^ere 39^ere 40^ere. 41^ere 42^ere 43^ere. 44^ere 45^ere 46^ere. 47^ere 48^ere 49^ere. 50^ere 51^ere 52^ere. 53^ere 54^ere 55^ere. 56^ere 57^ere 58^ere. 59^ere 60^ere 61^ere. 62^ere 63^ere 64^ere. 65^ere 66^ere 67^ere. 68^ere 69^ere 70^ere. 71^ere 72^ere 73^ere. 74^ere 75^ere 76^ere. 77^ere 78^ere 79^ere. 80^ere 81^ere 82^ere. 83^ere 84^ere 85^ere. 86^ere 87^ere 88^ere. 89^ere 90^ere 91^ere. 92^ere 93^ere 94^ere. 95^ere 96^ere 97^ere. 98^ere 99^ere 100^ere.

1 zerehte *G.* fæhðum *H.* fæhðe *E.* 2 man *H.* 3 1^e *H.* 4 1^etenbe
H. 5^e 1^e *E.H.* 6 hine *H.* add. 7 geofan *H.* 8 him *H.* 9 1^e ymbe
 geofan *H.* 10 onð *H.* 11 *H.* 12 1^e pæpnu 1^eyllan *H.* 13 hine *H.* him *E.*
 14^e mægum bebeobe *H.* 15 1^eneonðum *H.* 16^e cūricean 1^ezēpne. 1^ey *H.*
 17^e cūricean 1^e *H.* 18^e mægner næbbe *H.* 19 mæge *H.* add. 20^e 1^eæm
 ealþepmen *H.* 21 *H.* 22^e 1^eultomian nelle *H.* 23 1^epylce *H.* 24^e man
 becūme *H.* 25 1^e *E.H.* 26 æp þam *H.* but orig. ham. 27 1^eyllan *H.*

a The variation in ms. *H.* is '1^ere þæt he hæbbe, &c., and let him know that he has forfeited his mæg-ship.' This forfeiture probably operated like the provision in Edmund, c. 8.; and absolved his kinsmen from their obligations to assist him in paying the legal

OF FEUDS.

42. We also command: that the man who knows his foe to be home-sitting fight not before he demand justice of him. If he have such power that he can beset his foe, and besiege him within, let him keep him within for vii. days, and attack him not, if he will remain within. And then, after vii. days, if he will surrender, and deliver up his weapons, let him be kept safe for xxx. days, and let notice of him be given to his kinsmen and his friends. If, however, he flee to a church, then let it be according to the sanctity of the church; as we have before said above. But if he have not sufficient power to besiege him within, let him ride to the 'ealdorman,' and beg aid of him. If he will not aid him, let him ride to the king before he fights. In like manner also, if a man come upon his foe, and he did not before know him to be home-staying; if he be willing to deliver up his weapons, let him be kept for xxx. days, and let notice of him be given to his friends; if he will not deliver up his weapons, then he may attack him. If he be willing to surrender, and to deliver up his weapons, and any one after that attack him, let him pay as well 'wēr' as wound, as he may do, and ^a 'wite,' and let him have forfeited his 'mæg'-ship. We also declare, that with his lord a man may fight ^b 'orwige,' if any one attack the lord: thus may the lord fight for his man. After the same wise, a man may fight with his born kinsman, if a man attack him wrongfully, except against his lord; that we do not allow. And a man may fight 'orwige,' if he find another with his lawful wife, within closed doors, or under one covering, or with his lawfully-born daughter, or with his lawfully-born sister, or with his mother, who was given to his father as his lawful wife.

28 man *H.* 29 hanb *H.* 30 pæpen *H.* 31 ȝif *H.* *add.* 32 hine *H.*
 33 ȝylbe *H.* 34 punb-pite *H.* 35 pæp *H.* *add.* 36 pite pæt he hæbbe
H. 37 man *H.* 38 onpige *H.* 39 man *H.* 40 feohre *H.* 41 þam *H.*
 42 man *H.* 43 ȝebopenum *H.* 44 him man *H.* 45 onfeohreð butan
H. 46 lȝrað *H.* 47 man *H.* 48 mib *H.* 49 betȝnebe *H.* *but orig.*
 betȝnebum. 50 *H.* 51 meþep *H.*

penalties he might have incurred on that occasion, or should incur thereafter.

^b 'Without committing war.' The Latin versions read, 'sine wita, sine forisfacto.'

BE MÆSSE-1 DALA FREOLSE.⁷

XLIII. Eallum ²ƿƿuom monnum⁷ þaƿ ɔaƿaƿ ³ƿien ƿoƿƿiƿene.⁷ butan þeopum mannum ƿ eƿne-ƿýphƿum. .xii. ɔaƿaƿ on ⁴Leh-
hol. ƿ þone ɔæg þe Lƿiƿt þone ɔeoƿol oƿeƿƿiƿiððe. ƿ Ƣcƿ Lƿe-
ƿoƿuƿ ƿemýnð-ɔæg. ƿ ⁵.vii. ⁶ɔaƿaƿ to ⁷Eaƿtƿion ƿ ⁸.vii. oƿeƿ.
ƿ an ɔæg ⁹æt Ƣcƿe⁷ Ƣeƿƿeƿ ¹⁰éiðe ƿ ¹¹Ƣcƿe ¹²Ƣauler. ƿ on ¹³hæƿ-
ƿeƿte þa ƿullan ¹⁴ƿican æƿ Ƣcƿta Ƣaƿian mæƿƿan. ƿ æt ¹⁵Ealla
halƿƿa ƿeoƿðunge ¹⁶anne ɔæg. ƿ ¹⁷.iiii. ƿoðneƿɔaƿaƿ on ¹⁷.iiii.
Ymbƿen-¹⁸ƿican. ðeopum ¹⁹monnum eallum ²⁰ƿien ƿoƿƿiƿen⁷
þam þe him ²¹leoƿoƿt ƿe⁷ to ²²ƿellanne. æƿhƿæt þæƿ þe him
²³æniƿ ²⁴mon ƿoƿ Ƣoðeƿ ²⁵noman ƿeƿelle.⁷ oþþe ²⁶hie on
²⁷æneƿum hioƿa hƿil-ƿticcum⁷ ²⁸ƿeapƿian mæƿen:⁷

BE ƿEAFOD-ƿUNDE²⁹.

XLIV. ðeapod-ƿunde to bote. ³⁰ƿiƿ þa ban beoð butu ³¹þýƿel
.xxx. ƿeif. ³²ƿeƿelle him mon. ³³Lƿ þ ³⁴uteƿƿe ban ³⁵bið
³⁶þýƿel. ƿeƿelle⁷ ³⁷.xv. ƿeif. to bote:.

³⁸ BE FEAX-ƿUNDE.

XLV. ³⁹Lƿ in ƿeaxe bið ƿund ⁴⁰inceƿ lang. ⁴¹ƿeƿelle anne⁷
ƿeif. to bote. ⁴²Lƿ beƿoƿan ƿeaxe bið ƿund ⁴³inceƿ lang-
⁴⁴teƿen ƿeif. to bote:.

⁴⁵ BE EAƿ-⁴⁶SLLE.

XLVI. ⁴⁷Lƿ him ⁴⁸mon aƿlea ^aoðeƿ⁷ eaƿe of. ⁴⁹ƿeƿelle .xxx.⁷
ƿeif. to bote. ⁵⁰Lƿ ƿe ⁵¹hlýƿt oðƿtande⁷ þ he ne ⁵²mæƿe
⁵³ƿehneƿan. ƿeƿelle⁷ ⁵⁴.Lx. ƿeif.⁷ to bote:.

1⁷ ɔæg a ƿneolƿum *H.* 2⁷ ƿneomannum *H.* 3⁷ ƿýn ƿoƿƿiƿenne *H.*
4⁷ Lehhel *H.* 5⁷ ƿeoƿan *H.* 6⁷ *B. recommences here.* 7⁷ Eaƿtƿum *H.*
8⁷ ƿeoƿon *B.* 9⁷ to *H.* 10⁷ - Seint *B.* 11⁷ *H.* 11⁷ Seint *B.* 12⁷ Ƣauluƿ *H.*
13⁷ heƿƿeƿte *B.* hæƿƿeƿt *H.* 14⁷ ƿican *B.H.* 15⁷ Ealla *B.H.* 16⁷ an *B.*
17⁷ ƿeoƿeƿ *B.* 18⁷ ƿican *B.H.* 19⁷ mannum *B.H.* 20⁷ ƿýn *H.* 21⁷ ƿið
ƿoƿƿýen *B.* 21⁷ leoƿaƿt ƿý *B.H.* 22⁷ ƿýllanne *B.H.* 23⁷ not in *B.*
24⁷ man *B.H.* 25⁷ naman ƿeƿýlle *B.H.* 26⁷ heo *B.H.* 27⁷ æniƿum
heoƿa hƿilƿtýccum *B.H.* 28⁷ ƿeapƿian mæƿan *B.* 29⁷ anð oðƿe hman

^a [Oðeƿ eaƿe: this expression seems to prove that an enactment similar to Æthelb. 39. is here wanting; in which case, however, it must have disappeared before the framing of the laws of Henry I.,

OF THE CELEBRATION OF MASS-DAYS.

43. To all freemen let these days be given, but not to 'theow'-men and 'esne'-workmen: xii. days at Yule, and the day on which Christ overcame the devil, and the commemoration day of St. Gregory, and vii. days before Easter and vii. days after, and one day at St. Peter's tide and St. Paul's, and in harvest the whole week before St. Mary-mass, and one day at the celebration of All-Hallows and the iv. Wednesdays in the iv. Ember weeks. To all 'theow'-men be given, to those to whom it may be most desirable to give, whatever any man shall give them in God's name, or they at any of their moments may deserve.

OF HEAD-WOUND.

44. For head-wound, as 'bōt.' if the bones be both pierced, let xxx. shillings be given him. If the outer bone be pierced, let xv. shillings be given as 'bōt.'

OF HAIR-WOUND.

45. If within the hair there be a wound an inch long, let one shilling be given as 'bōt.' If before the hair there be a wound an inch long, two shillings as 'bōt.'

OF STRIKING OFF AN EAR.

46. If ^ahis other ear be struck off, let xxx. shillings be given as 'bōt.' If the hearing be impaired, so that he cannot hear, let lx. shillings be given as 'bōt.'

B. add. ³⁰ gýf *B.* ³¹ þýple *B.H.* ³² zerylle *B.H.* ³³ Gyf *B.*
³⁴ uttepe *B.* utpe *H.* ³⁵ býð *H.* ³⁶ þýpl zerylle *B.H.* ³⁷ fupýne *B.*
³⁸ not in *B.* ³⁹ Gyf *B.* ⁴⁰ ýncef *B.H.* ⁴¹ zerylle *H.* ' - ænne *B.*
⁴² Gyf hit *B.* ⁴³ ýncef *B.H.* ⁴⁴ 11. *H.* ⁴⁵ not in *B.* ⁴⁶ -rlæze *H.*
⁴⁷ Gyf *B.* ⁴⁸ man ofarlea þæt oðere *B.* - ofarlea þæt oðer *H.*
⁴⁹ zerylle *H.* - him þrutuz *B.* ⁵⁰ Gyf *B.* ⁵¹ lýt ætctanbe *B.*
⁵² mæzge *B.* ⁵³ zehýpan zerylle *B.* zehýpan - *H.* ⁵⁴ rixt rēlf.
 him *B.*

where (c. 93.) it simply says, 'Si auris amputetur alicui,' &c., giving no equivalent for oðer. Precisely the same words are found also in Bromton.—*T.*]

BE ¹MONNES EAL-ÞUNDE AND ²ODERRA MISSENILIRA'
LIMA.

XLVII. Líf ³mon men ⁴eage of-ārlea. ⁵ƷeƷelle him mon
⁶.lx. Ʒeif. Ʒ ⁷.vi. Ʒeif. Ʒ ⁸.vi. pæningar. Ʒ þriddan ðæl
* Ʒ. pæninges. * ⁹pæningas to bote. ¹⁰Líf hit ¹¹in ¹²þam heafde ¹³Ʒie. Ʒ
* Ʒ. þe þridda. he noht ƷeƷeon ne mæge ¹⁴mīð. Ʒtande * ¹⁵þriddan ðæl þæƷe
bote inne:.

XLVIII. Líf ¹⁶mon oðrum þ ¹⁷neb ¹⁸ōf-ārlea. Ʒebete ¹⁹him
mīð .lx. Ʒeif:.

XLIX. Líf ²⁰mon oðrum þone toð ²¹onƷoran heafde of-ārlea.
²²Ʒebete þ mīð ²³.viii. Ʒeif. Ʒif hit ²⁴Ʒie Ʒe' Ʒong-toð. ²⁵Ʒe-
Ʒelle ²⁶.iiii. Ʒeif. to bote. ²⁷Ʒonner tux bið ²⁸.xv. Ʒeif.
ƷeoƷð:.

L. ²⁹Líf ³⁰monner ³¹ceacan ³²mon ƷoƷƷihð' þ ³³hie ³⁴beoð
ƷoƷoðe. Ʒebete ³⁵mīð .xv. Ʒeif:.

³⁶Ʒonner ein-ban. Ʒif hit bið toclofen. ³⁸ƷeƷelle mon
³⁹.xii. Ʒeif. to bote:.

LI. ⁴⁰Líf ⁴¹monner þƷot-bolla ⁴²bið ⁴³þýnel. Ʒebete ⁴⁴mīð
⁴⁵.xii. Ʒeif:.

LII. ⁴⁶Líf ⁴⁷monner tunge bið of heafde. oðnes ⁴⁸monner
⁴⁹ðædum. ðon. þ bið Ʒelic ⁵⁰Ʒ ⁵¹eagan-bot:.

LIII. ⁵²Líf mon bið on ⁵³eaxe ⁵⁴pund þ þ lið-Ʒeap út-Ʒlope.
Ʒebete mīð ⁵⁵.xxx. Ʒeif:.

LIV. ⁵⁶Líf Ʒe earum bið ⁵⁷ƷoƷað buƷan ⁵⁸elmbogan. þæƷ
Ʒeulon ⁵⁹.xv. Ʒeif. to bote:.

LV. Líf þa ⁶⁰earum-Ʒeancan beoð beƷen ƷoƷaðe. ⁶⁰Ʒio bot bið
.xxx. Ʒeif:.

LVI. ⁶¹Líf Ʒe' þuma bið ⁶²ōf-ārlæggen. ⁶³þam ⁶⁴Ʒceal .xxx.
Ʒeif. to bote:.

⁶⁵Líf Ʒe ⁶⁶nægl bið ⁶⁷ōf-ārleggen. ⁶⁸þam Ʒeulon ⁶⁹.v. Ʒeif. to
bote:.

¹ mannes *G.H.* ^{2'} oðra mīrcra *G.* oðre mīrcra *H.* ³ man *H.*
⁴ hī *H. add.* ⁵ ƷeƷelle *B.H.* ⁶ Ʒixti *B.* ⁷ Ʒix *B.* Ʒix *H.* ^{8'} Ʒix
penegar *B.* Ʒix peningas *H.* ⁹ penigas *B.* peniges *H.* ¹⁰ Líf *B.*
¹¹ on *H.* ¹² þan *B.* ¹³ Ʒý *B.H.* ¹⁴ *B.* ¹⁵ Ʒe *B.H. add.* ¹⁶ man *B.*
mann *H.* ¹⁷ nebb *B.H.* næb *G.* ¹⁸ *H.* ¹⁹ hit *B.* ²⁰ man *B.*
²¹ onƷoran *B.* ²² Ʒebetað *B.* ²³ eahta *B.* ²⁴ Ʒý Ʒe *B.H.* ²⁵ ƷeƷelle
B. Ʒebete mīð *H.* ²⁶ ƷeoƷen *B.* ²⁷ Ʒonner *H.* ²⁸ Ʒixtyne *B.*
²⁹ Líf man *B.* ³⁰ mannes *B.H.* ^{31'} ceacer ƷoƷlea *B.* ^{32'} man
ƷoƷƷihð *H.* ³³ heo *B.* hý *H.* ^{34'} beon ƷoƷe *B.H.* ^{35'} mīrcra *B.*
^{36'} Ʒonner einban *H.* ³⁷ Ʒif *B.* ³⁸ ƷeƷelle *B.H.* ³⁹ tƷelf *B.H.*

OF A MAN'S EYE-WOUND AND OF VARIOUS OTHER LIMBS.

47. If a man strike out another's eye, let him pay him *lx.* shillings, and *vi.* shillings and *vi.* pennies and a third part of a penny, as 'bōt.' If it remain in the head, and he cannot see aught therewith, let one third part of the 'bōt' be retained.

48. If a man strike off another's nose, let him make 'bōt' with *lx.* shillings.

49. If a man strike out another's tooth in the front of his head, let him make 'bōt' for it with *viii.* shillings: if it be the canine tooth, let *iv.* shillings be paid as 'bōt.' A man's grinder is worth *xv.* shillings.

50. If a man smite another's cheeks so that they be broken, let him make 'bōt' with *xv.* shillings.

A man's chin-bone, if it be cloven, let *xii.* shillings be paid as 'bōt.'

51. If a man's wind-pipe be pierced, let 'bōt' be made with *xii.* shillings.

52. If a man's tongue be done out of his head by another man's deeds, that shall be like as eye-'bōt.'

53. If a man be wounded on the shoulder so that the joint-oil flow out, let 'bōt' be made with *xxx.* shillings.

54. If the arm be broken above the elbow, there shall be *xv.* shillings as 'bōt.'

55. If the ^aarm-shanks be both broken, the 'bōt' is *xxx.* shillings.

56. If the thumb be struck off, for that shall be *xxx.* shillings as 'bōt.'

If the nail be struck off, for that shall be *v.* shillings as 'bōt.'

⁴⁰ *Lýf B.* ⁴¹ *manner B.H.* ⁴² *býð H.* ⁴³ *pýpl B.* ⁴⁴ *pæc B.H. add.*
⁴⁵ *cpelf B.H.* ⁴⁶ *Lýf B.* ⁴⁷ *manner B.H.* ⁴⁸ *mannum B.* ⁴⁹ *debum*
gesðon H. ⁵⁰ *not in H.* ⁵¹ *eagon B.* ⁵² *Lýf B.* ⁵³ *pa H. add.*
⁵⁴ *gepundeð B.H.* ⁵⁵ *þruttiz B.* ⁵⁶ *Lýf B.* ⁵⁷ *forob H.* ⁵⁸ *pæm*
elbozan B. *pam el-bozan H.* ⁵⁹ *prcýne B.* ⁶⁰ *reo B.H.* ⁶¹ *Lýf*
pe B. ⁶² *oþarlægen B.* ⁶³ *pæm B.H.* ⁶⁴ *rculon B.* ⁶⁵ *Lýf B.*
⁶⁶ *nægæl B.* ⁶⁷ *oþarlægen B.* *oþarlægen H.* ⁶⁸ *pæm B.* ⁶⁹ *pr B.*

^a Probably the bones of the fore-arm, the radius and ulna.

Lvii. ¹Liſ re ſcýte-ſingep bið ²oſ-arlegen. ³ſio' bót bið ⁴.xv. ſciff. hiſ nægler ⁵bið ⁶.iiii. ſciff.:

Lviii. ⁷Liſ re ⁸midleſta ſingep ⁹ſie oſ-arlegen. ¹⁰ſio' bót bið ¹¹.xii. ſciff. ȝ hiſ nægler bót bið ¹².ii. ſciff.:

Lix. ¹³Liſ re ȝold-ſingep ¹⁴ſie oſ-arlegen. ¹⁵to ¹⁶þam ſculon ¹⁷.xvii. ſciff. ¹⁸to bote. ¹⁹ȝ hiſ nægler ²⁰.iiii. ſciff. to bote:

Lx. ²¹Liſ re ²²lýtla ſingep ²³bið ²⁴oſ-arlegen. þam' ſceal to bote ²⁵.viii. ſciff. ȝ an ſciff. hiſ nægler. ²⁶ȝiſ re ²⁷ſie oſ-arlegen.:

Lxi. ²⁸Liſ ²⁹mon bið on ³⁰hriſe punð. ³¹ȝerelle him ³²mon ³³.xxx. ſciff. ³⁴to bote. ȝiſ' he þurh-punð bið. æt ³⁵ȝehpeðerum muðe ³⁶ƿpentȝ ſciff.:

Lxii. ³⁷Liſ ³⁸monneſ þeoh bið ³⁹þýnel. ⁴⁰ȝerelle him ⁴¹mon ⁴².xxx. ſciff. to bote. ⁴³ȝiſ hit ſorad ⁴⁴ſie. ⁴⁵ſio' bót eac bið ⁴⁶.xxx. ſciff.:

Lxiii. ⁴⁷Liſ re ⁴⁸ſconca bið ⁴⁹þýnel beneoðan ⁵⁰cneope. þær ſculon ⁵¹ƿelf ſciff. ⁵²to bote. ⁵³ȝiſ he ſorad ⁵⁴ſie beneoðan ⁵⁵cneope. ⁵⁶ȝerelle him ⁵⁷.xxx. ſciff. ⁵⁸to bote.:

Lxiv. ⁵⁹Liſ ⁶⁰ſio micle' ta bið ⁶¹oſ-arlegen. ȝerelle' him ⁶².xx. ſciff. to bote. ȝiſ ⁶³hit ſie ⁶⁴ſio ⁶⁵æſterpe ta. ⁶⁶.xv. ſciff. to bote ⁶⁷ȝerelle him mon. ȝiſ ⁶⁸ſie ⁶⁹midleſte ta ⁷⁰ſie oſ-arlegen. ⁷¹þær ⁷²ſculon ⁷³.viii. ſciff. to bote. ⁷⁴ȝiſ hit bið ⁷⁵ſio ſeorðe ⁷⁶ta. ⁷⁷þær ſculon ⁷⁸.vi. ſciff. to bote. ⁷⁹ȝiſ ⁸⁰ſio lýtle ⁸¹ta ⁸²ſie oſ-arlegen. ȝerelle' him ⁸³.v. ſciff. ⁸⁴.:

Lxv. Liſ ⁸⁵mon ⁸⁶ſie on þa ⁸⁷hepðan to ⁸⁸þam ſpiðe ⁸⁹punð þ he ne mæge bearn ⁹⁰[ȝeſƿenan]. ȝebete him þ mid ⁹¹.lxxx. ⁹²ſciff.:

Lxvi. ⁹³Liſ men ⁹⁴ſie re earum ⁹⁵mid ⁹⁶honda mid ealle oſ-æcorſen' beſoran ⁹⁷elmbogan. ȝebete þ mid ⁹⁸.lxxx. ſciff.:

⁹⁹Æȝhpelcere punde beſoran ſeaxe ȝ beſoran ¹⁰⁰ſlieſan ȝ beneoðan cneope. ¹⁰¹ſio bót bið ¹⁰²ƿý-ſceatte' mare.:

¹ Liſ B. ² oſarlagen ſeo B. oſarlæggen - H. ³ ſcýtne B. ⁴ beoð B. ⁵ iii. G. v. H. ⁶ Liſ B. ⁷ midleſte B. ⁸ ſý oſarlagen B. bið oſarlæggen H. ⁹ ſeo B.H. ¹⁰ not in B. ¹¹ Liſ B. ¹² ſý oſarlagen B. bið oſarlæggen H. ¹³ þæm B.H. ¹⁴ ſeorontne B. ¹⁵ not in B. ¹⁶ Liſ B. ¹⁷ lýtle B. ¹⁸ ſý B. ¹⁹ oſarlagen B. oſarlæggen þæm H. ²⁰ niȝon B. ²¹ ȝýf B. ²² ſý oſarlagen B. bið oſarlæggen H. ²³ Liſ B. ²⁴ man H. ²⁵ hriſe H. ²⁶ ſie ȝepunðes B. ²⁷ ȝerýlle B.H. ²⁸ man H. ²⁹ ȝýf B. ³⁰ æȝðran B. æȝðrum H. ³¹ xx. H. ³² Liſ B. ³³ manneſ H. ³⁴ þýnl B. ³⁵ ȝerýlle B.H. ³⁶ man B.H. ³⁷ þriſtiȝ B. ³⁸ ȝýf B. ³⁹ ſý ſeo B.H. ⁴⁰ Liſ B. ⁴¹ ſcanca B.H. ⁴² þýnl B. ⁴³ cneope B. ⁴⁴ xii. H. ⁴⁵ not in B. ⁴⁶ ſý B. bið H. ⁴⁷ B. ⁴⁸ ȝerýlle B.H. ⁴⁹ man H. add. þriſtiȝ B.

57. If the shooting [*i.e.* fore] finger be struck off, the ‘bōt’ is xv. shillings; for its nail it is iv. shillings.

58. If the middlemost finger be struck off, the ‘bōt’ is xii. shillings; and its nail’s ‘bōt’ is ii. shillings.

59. If the gold [*i.e.* ring] finger be struck off, for that shall be xvii. shillings as ‘bōt;’ and for its nail iv. shillings as ‘bōt.’

60. If the little finger be struck off, for that shall be as ‘bōt’ ix. shillings; and for its nail one shilling, if that be struck off.

61. If a man be wounded in the belly, let xxx. shillings be paid him as ‘bōt;’ if it be thorough-wounded, for either orifice twenty shillings.

62. If a man’s thigh be pierced, let xxx. shillings be paid him as ‘bōt;’ if it be broken, the ‘bōt’ is likewise xxx. shillings.

63. If the shank be pierced beneath the knee, there shall be twelve shillings as ‘bōt;’ if it be broken beneath the knee, let xxx. shillings be paid him as ‘bōt.’

64. If the great toe be struck off, let xx. shillings be paid him as ‘bōt;’ if it be the second toe, let xv. shillings be paid as ‘bōt;’ if the middlemost toe be struck off, there shall be ix. shillings as ‘bōt;’ if it be the fourth toe, there shall be vi. shillings as ‘bōt;’ if the little toe be struck off, let v. shillings be paid him.

65. If a man be so severely wounded in the genitals that he cannot beget a child, let ‘bōt’ be made to him for that with lxxx. shillings.

66. If a man’s arm, with the hand, be entirely cut off before the elbow, let ‘bōt’ be made for it with lxxx. shillings.

For every wound before the hair, and before the sleeve, and beneath the knee, the ‘bōt’ is two parts more.

49/ not in B. 50/ Gýf mýcle B. reo mícele H. 51/ oþarlægen zerylle B. oþarlægen - H. 52 man B.H. add. tpenatiz B. 53/ reo aþcepe ta rý oþarlægen H. 54 aþcepe B. 55 zerylle B.H. 56 reo B.H. 57 mǫð-læfte B. 58/ rý oþarlægen B. rý oþarlægen H. 59/ rýlon nýgon B. 60 zýf B. 61 reo H. 62 ^ H. 63 þap B. 64 rýx B. 65 zýf B. 66 reo B.H. 67 ^ H. 68/ rý oþarlægen zerylle B. bið oþarlægen - H. 69 mon B. add. fýf B.H. 70 to bote B. add. 71 man H. 72 rý B. rý H. 73 hæpðan B. 74 þan B.H. 75 gepunðeð B.H. 76 H. be-zýcan B. 77 hunð-eahrtiz B. 78 rýcillingum H. 79 Gýf B. 80 rý B.H. 81/ oþacopuen B. 82 hanða H. 83 el-bozan H. 84 hunt-eahrtiz B. 85 æzhpilcepe B. æzhpýlcepe H. 86 flean B. fýlfan H. 87 reo B.H. 88/ tþýzýlbe B.

LXVII. ¹Liƿ ²ƿio lenden-³bƿæðe bið ⁴ƿorƿlægen. þær ƿceal
⁵.lx. ƿciſt. to bote. ⁶ƿiƿ ⁷hio bið on-berctungen. ⁸ƿerelle .xv.
ƿciſt. to bote. ⁹ƿiƿ ¹⁰hio bið þurh-¹¹þýnel. þonne ƿceal ¹²þær
.xxx. ƿciſt. to bote:.

LXVIII. ¹³Liƿ ¹⁴mon bið ¹⁵in eaxle ¹⁶ƿund. ƿebete mið
¹⁷.lxxx. ƿciſt. ¹⁸ƿiƿ ƿe ¹⁹mon cƿic ²⁰ƿie:.

LXIX. ²¹Liƿ ²²mon oðrum þa ²³honð ²⁴utan ƿorƿlea. ²⁵ƿerelle
him .xx. ƿciſt. to bote. ²⁶ƿiƿ hine ²⁷mon ƿelacnian mæge.
²⁸ƿiƿ ²⁹hio ³⁰healf ðn'-ƿeƿ ƿleoƿe. þonne ƿceal ³¹.xl. ƿciſt. to
bote:.

LXX. ³²Liƿ ³³mon oðrum ³⁴rið ƿorƿlea binnan ³⁵ƿealƿe
hýðe. ³⁶ƿerelle ³⁷.x. ƿciſt. to bote. ³⁸ƿiƿ ³⁹ƿio hýð ⁴⁰ƿie to-
bƿocen. ƿ ⁴¹mon bân' ⁴²ðf-æðð. ⁴³ƿerelle ⁴⁴.xv. ƿciſt. ⁴⁵to
bote:.

LXXI. Liƿ ⁴⁶monneƿ eage him ⁴⁷mon ðf-aƿlea' oþþe hiƿ
honð oþþe hiƿ ⁴⁸ƿc̃t. þær ⁴⁹ƿæð ƿelice bot to eallum. ⁵⁰.vi.
* L ƿe þƿuðba. ⁵¹ƿæningaƿ ƿ ⁵².vi. ⁵³ƿciſt. ƿ ⁵⁴.lx. ƿciſt. ƿ * þƿuððan ðæl
⁵⁵ƿæningeƿ:.^b

LXXII. ⁵⁶Liƿ ⁵⁷monneƿ ƿconca' bið ⁵⁸ðf-aƿlægen ƿið þ ⁵⁹cneou.
þær ƿceal ⁶⁰.lxxx. ƿciſt. to bote:.

LXXIII. ⁶¹Liƿ ⁶²mon oðrum þa ƿculðru ƿorƿlea. ⁶³ƿerelle him
mon .xx. ƿciſt. to bote:.

¹Liƿf B. ²ƿeo B.H. ³.bƿæðe B. ⁴ƿorƿlægen B.H. ⁵ƿýxtiƿ B.
⁶ƿýf B. ⁷heo H. ⁸ƿerýlle H. ⁹ƿýf B. ¹⁰heo H. ¹¹þýnl B.
¹²þƿiƿctiƿ B. ¹³Liƿf B. ¹⁴man H. ¹⁵on B.H. ¹⁶ƿe-
ƿunbað B.H. ¹⁷hunð-eahtatiƿ B. ¹⁸ƿýf B. ¹⁹man B.H. ²⁰ƿý
B.H. ²¹Liƿf B. ²²manon B.H. ²³hanð B.H. ²⁴utan B. ²⁵ƿe-
rýlle B.H. ²⁶ƿýf B. ²⁷man B.H. ²⁸ƿýf B. ²⁹he B. heo H.
³⁰healfe B. ³¹ƿiƿctiƿ B. ƿeoƿeƿtiƿ *superscribed*. ³²Liƿf B.
³³man H. ³⁴riðð B.H. ³⁵ƿealƿe B.H. ƿealƿe E. ³⁶ƿerýlle

^a The injury here spoken of appears to have been a serious one, from the amount of the bote; and may refer either to a maiming of the lower false ribs, or of the posterior part of the haunch-bones, as pertaining to the loins, or of the spinous processes of the lumbar vertebræ.

^b In this reading all the mss. agree, and a similar statement, having no further difference than a slight change in the order of the monies enumerated, is found at the beginning of the chapter. Against the force of such authority it may be difficult to offer any valid objections. A doubt, however, seems to arise as to the integrity of the text, from two causes. In the first place, sixty-six shillings and sixpence and one third of a penny are no aliquot part of any known penalty; and in the second, a Wessex shilling of more than five-

67. If the ^aloin be maimed, there shall be lx. shillings as 'bōt;' if it be pierced, let xv. shillings be paid as 'bōt;' if it be pierced through, then shall there be xxx. shillings as 'bōt.'

68. If a man be wounded in the shoulder, let 'bōt' be made with lxxx. shillings, if the man be alive.

69. If a man maim another's hand outwardly, let xx. shillings be paid him as 'bōt;' if he can be healed; if it half fly off, then shall be xl. shillings as 'bōt.'

70. If a man break another's rib within the whole skin, let x. shillings be paid as 'bōt;' if the skin be broken, and bone be taken out, let xv. shillings be paid as 'bōt.'

71. If a man strike out another's eye, or his hand or his foot off, there goeth like 'bōt' to all; vi. pennies and vi. shillings and lx. shillings and the third part of a penny.^b

72. If a man's shank be struck off near the knee, there shall be lxxx. shillings as 'bōt.'

73. If a man fracture another's shoulder, let xx. shillings be paid him as 'bōt.'

B.H. 37 cȳn *B.* 38 Lȳf *B.* 39 ȳeo *B.H.* 40 ȳȳ *B.H.* 41' man
 - *B.H.* 42 oꝥaðð *H.* 43 ȳerylle *B.H.* 44 ȳȳcȳne *B.* 45' not in *B.*
 46 manneȳ *H.* ' mon him oꝥȳlea *B.* 47 man *H.* 48 ȳótt *B.* 49 ȳeð *B.*
 50 ȳȳx *B.* 51 penȳȳȳ *B.* penȳȳȳ *H.* 52 ȳȳx *B.* 53 ȳeallȳȳȳ *H.*
 54 ȳȳxtȳȳ *B.* 55 penȳȳȳ *B.H.* 56 Lȳf *B.* 57' manneȳ ȳceanca *B.*
 - ȳceanca *H.* 58 oꝥȳȳlæȳen *H.* 59 cneop *B.H.* 60 hunð-eahtatȳȳ *B.*
 61 Lȳf *B.* 62 man *B.H.* 63 ȳerylle *B.H.*

pence, which here seems implied, does not rest upon any very satisfactory authority. The numerals lxxi. and vi., consisting of the same number of bars or strokes, are frequently given for each other in the mss.; and notwithstanding *B.* and *H.* in the first passage, and *B.* in both, express the sum in question in words, and not in numerals, it is only by supposing a similar substitution that our presumed difficulties can be removed. By reading sixty and six shillings and *three* pence and one third of a penny, we have a sum amounting to one third of the were of a ceorl (200s.); and at the same time we are freed from the necessity of supposing a larger shilling to have been intended than that commonly known of five-pence.

LXXIV. ¹ḡif ²hie mon' ³in-berlēa. ȝ ⁴mon ban ⁵or-aðō. ⁶ȝeſelle mon þæſ to bote ⁷.xv. ȝcūſt.:

LXXV. ⁸ḡif ⁹mon þa ȝneatan ¹⁰ȝinpe^a ȝorȝlēa. ȝif' ¹¹hie mon' ȝelacnian mæȝe þ ¹²hie hal ¹³ȝie. ȝeſelle' ¹⁴.xii. ȝcūſt. to bote. ¹⁵ḡif ȝe ¹⁶mon healt ¹⁷ȝie ȝor þæſe ¹⁸ȝinpe ȝunde. ȝ hine ¹⁹mon ȝelacnian ne mæȝe. ²⁰ȝeſelle .xxx. ȝcūſt. to bote.:

LXXVI. ²¹ḡif þa ȝmalan ²²ȝinpe^b ²³mon ²⁴ȝorȝlēa. ²⁵ȝeſelle him ²⁶mon .vi. ȝcūſt. to bote.:

LXXVII. ²⁷ḡif ²⁸mon oðrum þa ²⁹ȝeſealb ȝorȝlēa' uppe on þam ³⁰ȝſeopan. ȝ ³¹ȝorȝundie to þam ȝſiðe þ he naȝe ³²þæſa ȝeſealb. ȝ ³³hpæðeſe ³⁴hiȝe ȝpa ³⁵ȝeſcended. ȝeſelle' him ³⁶mon ³⁷.c. ȝcūſt. to bote. ³⁸buton him ȝitan ³⁹ȝȝhtȝe ȝ maȝe ȝeſeccan^d.:

¹ ḡif *B.* ² hine man *B.H.* ³ in-*B.* ⁴ man *B.H.* ⁵ or-*H.* ⁶ ȝeſylle *B.H.* ⁷ ȝifȝne *B.H.* ⁸ ḡif *B.* ⁹ man *H.* ¹⁰ ȝȝnepe *ḡif B.* ¹¹ hine man *B.H.* ¹² he *B.* heo *H.* ¹³ ȝȝ ȝeſylle *B.H.* ¹⁴ tpeſ *B.* ¹⁵ ḡif *B.* ¹⁶ man *H.* ¹⁷ ȝȝ *B.H.* ¹⁸ ȝȝnepe *B.* ¹⁹ man *H.* ²⁰ ȝeſylle *B.H.* ²¹ ḡif *B.* ²² ȝȝnepan *B.* ²³ man *B.H.* ²⁴ in-*B.*

^a Probably the tendo Achillis.

^b There are so many subordinate and smaller flexors of the toes, and extensors of the ankle-joint, which lie beneath the presumed great sinew, that it is extremely difficult to say which of these can be here alluded to. It may, however, mean the 'plantaris;' but this is so slender that it can scarcely be singly and separately injured.

^c If only a single muscle be here intended, it probably refers to the external one, or trapezius. [Mr. Price's translation, to which his note has reference, was: 'If a man injure another's muscle up

74. If it be broken inwardly, and bone be taken out, let xv. shillings [in addition] be paid as its 'bōt.'

75. If a man rupture the great ^a sinew, if it can be healed so that it be sound, let xii. shillings be paid as 'bōt.' If the man be halt on account of the wounded sinew, and he cannot be cured, let xxx. shillings be paid as 'bōt.'

76. If the small ^b sinew be ruptured, let vi. shillings be paid him as 'bōt.'

77. ^c If a man rupture the tendons on another's neck, and wound them so severely that he has no power of them, and nevertheless live so maltreated; let c. shillings be given him as 'bōt,' unless the 'witan' shall decree to him one juster, and greater ^d.

²⁵ zerylle *B.H.* ²⁶ man rýx *B.* — rýx *H.* ²⁷ rýf *B.* ²⁸ man *B.H.*
²⁹ zepealb *B.* ³⁰ rpeope *B.* ³¹ forpundige *H.* ³² þær *B.* þære *E.*
 þæra *H.* ³³ þeah *B. add.* ³⁴ lifige *B.* libbe *H.* ³⁵ gercenð. zerylle
B. zercýnðes — *H.* ³⁶ not in *H.* ³⁷ hunð *B.* ³⁸ butan *H.* ³⁹ ruhte
B.

on the neck, and wound it so excessively,' &c. But it had apparently escaped his notice, that zepealb, (as well as its relative þæra,) is, as already observed, (*Æthelb.* c. 68.), a plural, and cannot therefore signify a single muscle. I take the word to be akin to the Old H.-Ger. waltowahso, and to the Old Frisic walde-waxe, 'nervus (colli).'^e—*T.*]

^d The Latin version *H.*, which will be given hereafter, adds here: 'hoc est, ut reddantur afflictiones liberorum per plenum, servorum autem per dimidium.'

¹BE ^aINES DOMUW.

Ic ²Ine. mid ³Godeþ ⁴ƿer-ƿeaxena kýning. mid ⁵ge-
 þeahte ⁶ƿ mid ⁷lape ⁸Lenreder minre ƿader. ⁹ƿ ¹⁰Debder
 minre ¹¹byceper. ¹²ƿ ¹³ƿorcenpolder minre ¹⁴byceper.
¹⁵mid eallum minum ¹⁶ealþormonnum. ¹⁷ƿ ¹⁸þam ield-
 ƿtan ¹⁹ƿitum minre þeode. ²⁰ƿ ²¹eac ²²micelne ²³ƿerom-
 nunge ²⁴Godeþ ²⁵þeopa. ƿær ƿmeazende be þære ²⁶hælo
²⁷uƿra ƿapla. ²⁸ƿ be þam ƿtaðole uƿer ƿucer. ²⁹þ ³⁰te ³¹ƿýht
³²æp ³³ƿ ³⁴ƿýhte cýne-domar þurh uƿe folc ƿeƿærtnode ³⁵ƿ
 ƿeƿrýmede ƿærton. ³⁶þ ³⁷te nænig ³⁸ealþormonna ne uƿ
³⁹under-ƿeþeodeþra æfter ⁴⁰þam ƿære aƿendenbe þar uƿe
 domar.

BE LODES ÐEOPFA ²⁸REGELE.

I. ²⁹Æfter. ƿe bebeodað ³⁰þ ³¹te ³²Godeþ þeopaþ ³³huora
³⁴ƿýht-ƿegol on ³⁵ƿýht ³⁶healdan. Æfter þam. ƿe ³⁷bebeodað
³⁸þ ³⁹te ealler folcer ⁴⁰æp ⁴¹ƿ domar þur ⁴²ƿien ƿehealdene.

⁴⁰BE EILDUM.

II. ⁴¹Eild binnan ⁴²þutezum nihta ⁴³ƿre ƿeƿulpað. ⁴⁴ƿ
 hit ƿpa ne ⁴⁵ƿre. .xxx. ƿcift. ⁴⁶ƿebete. ƿ ⁴⁷hit þonne ⁴⁸ƿre
 deað butan ⁴⁹ƿulpihte. ⁵⁰ƿebete ⁵¹he hit mid eallum þam þe
 he ⁵²æge.

¹ So *E.G.H.* in the list of rubrics prefixed to *Alfred's and Ine's laws*; but in the body of the work *H.* reads, Ine cýninge aƿecnýrre, or King Ine's institutes; and *B.* Ine lage, or Ine's law. ² *Yne H.* ³ *ƿýre B.* ⁴ *ƿerrexene cýning B. ƿerƿeaxena – H.* ⁵ not in *H.* ⁶ *Lenreder H.* ⁷ *Debder H.* ⁸ *byceoper B. byceoper H.* ⁹ *ƿorcenpolder B. ƿorcenpalder H.* ¹⁰ *byceoper B. byceoper H.* ¹¹ *ƿ B. add.* ¹² *ealþormannum B. ealþermannum H.* ¹³ *þam ƿlberan B.H.* ¹⁴ *ƿitan B.* ¹⁵ *E.* ¹⁶ *mýcelne B.* ¹⁷ *romnunze B. ƿe-ramnunze H.* ¹⁸ *þeopena B.* ¹⁹ *hæle B.H.* ²⁰ *uƿe B. to which H.*

^a Ine became king of Wessex on the resignation of Cedwalla, in the year 688. He abdicated the government, and retired to Rome, after a reign of thirty-seven years, in 725. *Bede H.E.* v. 7. Cenred, Ine's father, is called 'Subregulus' in the 'Regalis Prosapia,' following Florence of Worcester; and would seem, from the manner in which he is here mentioned, to have survived the period of his son's obtaining the West-Saxon crown. Hedde was bishop of Winchester from the year 676 to 705. [703. Sax. Chron.] Erconwald obtained

OF THE DOOMS OF ^aINE.

I, Ine, by God's grace, king of the West-Saxons, with the counsel and with the teaching of Cenred my father, and of Hedde my bishop, and of Eorcenwold my bishop, with all my 'ealdormen,' and the most distinguished 'witan' of my people, and also with a large assembly of God's servants, have been considering of the health of our souls, and of the stability of our realm; so that just law and just kingly dooms might be settled and established throughout our folk; so that none of the 'ealdormen,' nor of our subjects, should hereafter pervert these our dooms.

OF THE RULE OF GOD'S SERVANTS.

1. First, we command that God's servants rightly hold their lawful rule. After that, we command that the law and dooms of the whole folk be thus held.

OF CHILDREN.

2. Let a child, within thirty days, be baptized. If it be not so, let ^bhim make 'bōt' with xxx. shillings. But if it die without baptism; let ^bhim make 'bōt' for it with all that he has.

has been corrected from uppa. ²¹ pihc B. ²² æpe B.H. ²³ pihc B.
²⁴ not in B. ²⁵ ealþopmanna B. ealþepmanna H. ²⁶ unbepgeþeod-
 enþa B.H. ²⁷ þem B. ²⁸ þezule H. no rubr. in B. ²⁹ ^ B.
³⁰ not in H. ³¹ Lōþa B. ³² hēopa B. heopa H. ³³ pihc-þezol
 zýman and on, &c. or, observe and, &c. B. ³⁴ pihc B. ³⁵ healþon
 B. healþen H. ³⁶ beobað B.H. ³⁷ not in B. ³⁸ æ B. ³⁹ rýn B.H.
⁴⁰ no rubr. in B. ⁴¹ Lýlþ H. ⁴² xxx. B. ^ - nihtum H. ⁴³ rý zc-
 fullaþ B. - zepullos H. ⁴⁴ Lýf B. ⁴⁵ rý B.H. ⁴⁶ ^ Lýf B. ⁴⁷ rý
 B.H. ⁴⁸ fulluhte B.H. ⁴⁹ not in H. ⁵⁰ ^ H.

the see of London in the year 675; but the exact time of his death is not known.

The laws of Ine are not here chronologically placed for the reason already given. In all the mss. the numbering of the chapters follows the order of Alfred's laws in regular succession; but, for the convenience of reference to preceding editions, a distinct numbering has been here adopted.

^b [By the pronoun 'he' the priest is intended, as is evident from the other enactments to the same effect.—T.]

BE SUNNAN-DÆLES 1PEORLEUM.

III. ²Uf ³peormon pýnce on Sunnan-dæg be hýr hlaforðeð ⁴hæfe. ⁵Ue he ⁶fuoh. ⁊ re hlaforð ⁷geſelle .xxx. ⁸ſcilt. to pite. ⁹Uf þonne re þeopa butan hýr ¹⁰geſitneſſe pýnce. þole hýr hýðe ¹¹[oþþe hýð-ðýldeſ]. ¹²Uf þonne re fuðgea þý ðæge pýnce ¹³butan hýr hlaforðeð ¹⁴hæfe. ¹⁵þole hýr fneoteſ ¹⁶[oþþe fuxcū ¹⁷ſcillingaſ. ⁊ fneote ¹⁸ſcý-¹⁹ſcildig:]

BE ²⁰LIRIL-SLEATTUM ^a.

IV. ²¹Ufuc-ſceattaſ ²²ſýn azyfene' be ðce ²³Marctineſ mæſran. ²⁴Uf hpa þ ne geſeſte. ²⁵Ue he ſcýlðig ²⁶.Lx. ſcilt. ⁊ be ²⁷.xii. ſealdum ²⁸azyfe þone ²⁹cýric-³⁰ſceat:

BE ³¹LIRIL-SOLNUM ^b.

V. Uf hpa ³²Ue ðeaðeſ ſcýlðig. ⁊ he ³³cýrican ³⁴geſeſne. hæbbe hýr feorh. ⁊ ³⁵bete ſpa him ³⁶ſýht ſpýe. Uf ³⁷hpā hýr hýðe ſorþýnce. ⁊ ³⁸cýrican ³⁹geſeſne. ſe' him ⁴⁰ſcýlðig ⁴¹ſcýlðigelle ⁴²ſorþýſen:

¹ pýncum *G.* ² Uf *B.* ³ peorman *H.* ⁴ B. ⁵ ſý *B.H.* ⁶ fpeo *B.* ⁷ geſýlle *B.H.* ⁸ ſcillingaſ *B.* ⁹ Uf *B.* ¹⁰ geſitneſſe *B.* ¹¹ not in *E.* and only in the margin of *H.* ¹² Uf *B.* ¹³ buton *B.* ¹⁴ B. ¹⁵ þoliſe *H.* ¹⁶ not in *E.* and only in the margin of *H.* ¹⁷ ſcilt. *H.* ¹⁸ not in *H.* ¹⁹ -ſcýlð *B.* ²⁰ cýric-ſceatte *B.* cýric-ſceatum *G.* ²¹ Ufuc- *B.* ²² E. ſýn *H.* ' - azyfene *B.* ²³ Marctineſ *B.* ²⁴ Uf

^a This was originally a certain measure of corn paid to the church : ' And all hiſen eoban to minum bupe on þeoðopna-ceaſtre. and me ſalban heopa honð-ſetene þiſſe geſeðneſſe. þara noman hep be-neoðan aþpeten ſconbað. and [? þæt] heo hit hæbben eghþeſ to fpeon. butun [? þæt hi] azyfen elce gepe þreo mittan hþæſeſ to cýric-ſceatte to Clife: And the whole brotherhood went to my dwelling at Worcester, and gave me their ſignature to this agree-ment; (that is) thoſe whoſe names ſtand written here beneath; that they were to have it free of every thing, except that they were to give yearly to Cliff three meaſures of wheat as church-ſcot.' *Charta Werfrithi Episcopi ap. Smith, Bede, p. 772.* It is alſo mentioned in Cnut's letter from Rome: ' Et in feſtivate Sancti Martini primitiæ ſeminarum ad eccleſiam ſub cujuſ parochia quiſque degit, quæ Anglice 'ciric-sceatt' nominatur.' The penalty for neglect of paying the church-ſcot ſeems to have continued unaltered until after the Conqueſt; and the quantity of corn exacted ſo much per hide: ' De cirisceato de Percora dicit vicecomitatus, quod illa eccleſia de Percora debet habere iſpum cirisceattum de omnibus ccc. hidis,

OF SUNDAY WORKINGS.

3. If a 'theowman' work on Sunday by his lord's command, let him be free; and let the lord pay xxx. shillings as 'wite.' But if the 'theow' work without his knowledge, let him suffer in his hide, or in 'hide-gild.' But if a freeman work on that day without his lord's command, let him forfeit his freedom, or sixty shillings: and be a priest doubly liable.

OF ^aCHURCH-SCOTS.

4. Let church-scots be rendered at Martinmas. If any one do not perform that, let him forfeit lx. shillings, and render the church-scot twelve-fold.

OF ^bCHURCH-'SOCNS.'

5. If any one be guilty of death, and he flee to a church, let him have his life, and make 'bōt' as the law may direct him. If any one put his hide in peril, and flee to a church, be the scourging forgiven him.

B. ²⁵ rȳ *B.H.* ²⁶ ƿeorƿiȝ *B.* ²⁷ ƿƿelf- *B.* ²⁸ aȝȳfe *B.* ²⁹ cȳric- *B.* ³⁰ -ƿceatƿ *H.* ³¹ cȳric- *G.* ³² rȳ *B.H.* ³³ cȳricean *B.* *The e has been expunged from H.* ³⁴ ȝeȳrne *B.H.* ³⁵ ³⁶ ƿihƿ ƿiȳȝe *B.* ³⁷ ³⁸ cȳricean *B.* ³⁹ ȝeȳrne rȳ *B.* ȝeȳrne - *H.* ⁴⁰ ȝeo *B.H.* ⁴¹ ƿiȳȝle *B. and so H. originally.* ⁴² ƿorȝȳfen *B.*

scilicet de unaquaque hida ubi francus homo manet unam summam annonæ, et, si plures habet hidas, sint liberæ, et si dies fractus fuerit, in festivitate Sancti Martini, ipse, qui retinuerit det ipsam summam, et undecies persolvat abbati de Perscora, et reddat forisfacturam abbati de Westminstre quia sua terra est.' *Heming.* 21. But the definition given by White Kennett seems best suited to the generality of the A.-S. term: 'It was sometimes a general word, and included not only corn, but poultry or any other provision that was paid in kind to the religious. So in the Inquisition of the Rents of the Abbey of Glastonbury, An. 1201: 'In church-sceet lx. gallinas et semen frumenti ad tres acras.' *Chartul. de Glaston. ms. f. 38.*' The rubric to Edgar's laws, P. c. 2, not a very safe guide, extends it to tithes.

^b The term 'rocen' is chiefly used in the laws to denote some place enjoying the privilege of the *jus asyli*. Its root is the same with ȳecan, quærere. In Icelandic, soknsykn is defined conventus judicialis, districtus ecclesiasticus — a place to which *suit* (secta) was owing either for judicial or spiritual purposes.

BE 1 LEFEORTE.

vi. ²Liƿ hpa ƷeƷeohte on cýningeƷ hure. ³Ʒie he ƷcýlbiƷ ealleƷ hiƷ ⁴ieƷƷeƷ. Ʒ ⁵Ʒie on cýningeƷ ðome ⁶hƷeðeƷ he hiƷ aƷe þe naƷe. ⁷Liƿ hƷá on mýnƷƷe ƷeƷeohte. ⁸hund-ƷƷeƷƷiƷ Ʒcúſ. Ʒebete. ⁹Liƿ hƷá on ¹⁰ealðoƷmonneƷ hure ¹¹ƷeƷeohte. oþþe on oðeƷ ¹²ƷeƷunƷeneƷ Ʒitan. ¹³.lx. Ʒcúſ. Ʒebete he. Ʒ oðeƷ .lx. ¹⁴ƷeƷelle to Ʒite. Liƿ ¹⁵he þonne on ƷaƷol-¹⁶Ʒelðan hure oþþe on ƷebuƷeƷ ƷeƷeohte. ¹⁷.c.xx. ¹⁸a Ʒcúſ. to Ʒite ¹⁹ƷeƷelle. Ʒ þæm ²⁰ƷebuƷe .vi. ²¹Ʒcúſ. And þeah hiƷ ²²Ʒie on ²³miððum Ʒelða ²⁴ƷeƷohten. ²⁵hund-ƷƷeƷƷiƷ Ʒcúſ. to Ʒite ²⁶Ʒie aƷƷen. Liƿ ²⁷þonne on ƷeƷeoƷƷeƷe ²⁸hie Ʒeiden. Ʒ oðeƷ ²⁹hiƷoƷa mið ³⁰ƷeƷýlðe hiƷ ƷoƷbeƷe. ³¹ƷeƷelle Ʒe oðeƷ .xxx. ³²Ʒcúſ. to Ʒite:

BE STALE.

vii. ³³Liƿ hƷá ³⁴Ʒtahe ƷƷa hiƷ ƷiƷ ³⁵nýte Ʒ hiƷ beaƷun. ³⁶ƷeƷelle .lx. ³⁷Ʒcúſ. to Ʒite. ³⁸Liƿ he þonne ³⁹Ʒtahe on ⁴⁰ƷeƷitneƷƷe ealleƷ hiƷ ⁴¹hiƷeðeƷ. ⁴²ƷonƷen ⁴³hie ealle on ⁴⁴þeoƷot. ⁴⁵.x. ƷiƷƷeƷ-cniht mæƷ ⁴⁶biƷon þeƷðeƷ ƷeƷita:

BE 42 RYPTES BENE.

viii. ⁴⁷Liƿ ⁴⁸hpa hiƷ ⁴⁹nýhteƷ biððe beƷoƷan ⁵⁰hƷelcum ⁵¹Ʒcúſ-men oþþe oðƷum ðeman. Ʒ ⁵²abiððan ne mæƷe. Ʒ hiƷ

¹ ƷeƷeohtum *B.H.* ² Liƿ *B.* ³ Liƿ hpa on cýningeƷ hure ƷeƷeohte *H.* ⁴ ƷiƷ *B.H.* ⁵ ƷiƷeƷeƷ *B.H.* ⁶ ƷiƷ *B.H.* ⁷ hƷeðeƷ *H.* ⁸ Liƿ *B.* ⁹ .c.xx. *H.* ¹⁰ Liƿ *B.* ¹¹ in *B.* ¹² ealðoƷmanneƷ *B.* ealbeƷmanneƷ *H.* ¹³ Ʒeohte *B.* ƷeƷeohte *H.* but after Ʒitan. ¹⁴ Ʒitan ƷeƷunƷenan *H.* ¹⁵ ƷeƷýlle he *B.* not in *H.* ¹⁶ not in *B.H.* ¹⁷ -Ʒýlðen *B.* -Ʒilðan *H.* ¹⁸ hund-ƷƷeƷƷiƷ *B.* ¹⁹ ƷeƷýlle *B.H.* ²⁰ ƷebuƷeƷ ƷiƷ *B.* ²¹ ƷiƷ *B.H.* ²² miððan *B.H.* ²³ ƷeƷohtan *B.* ²⁴ .c.xx. *H.* ²⁵ ƷiƷ *H.* ²⁶ -aƷƷen.

^a All the mss. agree in this reading, and below the amount is expressed in words instead of numerals. Lambard has xxx. shillings, which seems to have been the true reading. A similar substitution of c.xx. for xxx. occurs in Edgar's dooms, E. c. 8, where the error is the more remarkable, as it has caused one transcriber to insert 120 pounds, in the text, instead of 'healfan punbe, half a pound.'

^b The brevity of this law seems to have somewhat obscured the meaning, yet as it was not the deemster's duty 'to give the wedd,' the penalty can hardly be understood as due from him. It rather appears to be a case where the defendant refused to obey the legal summons, such as is mentioned in the Lex Sal. Tit. LIV. 1.: 'Si quis alteri de rebus suis aliquid prætiterit, et ei reddere noluerit,

OF FIGHTING.

6. If any one fight in the king's house, let him be liable in all his property, and be it in the king's doom whether he shall or shall not have life. If any one fight in a minster, let him make 'bōt' with one hundred and twenty shillings. If any one fight in an 'ealdorman's' house, or in any other distinguished 'wita's,' let him make 'bōt' with LX. shillings, and pay a second LX. shillings as 'wite.' But if he fight in a 'gafol-gelda's' house, or in a 'gebur's,' let him pay ^acxx. shillings as 'wite,' and to the 'gebur' VI. shillings. And though it be fought on mid-field, let one hundred and twenty shillings be given as 'wite.' But if they have altercation at a feast, and one of them bear it with patience, let the other give xxx. shillings as 'wite.'

OF STEALING.

7. If any one steal, so that his wife and his children know it not, let him pay LX. shillings as 'wite.' But if he steal with the knowledge of all his household, let them all go into slavery. A boy of x. years may be privy to a theft.

OF PRAYING FOR JUSTICE.

8. ^bIf any one demand justice before a 'scir-man' or other judge, and cannot obtain it, and a man [the defendant] will not

Lýf B. ²⁴hī B. hý H. ²⁵heopa B.H. ²⁶ʒepýlsé ^ B. ²⁷ʒerylle B.H. ²⁸ʒeallnʒar B. ²⁹Lýf ^ B. ³⁰ʒealʒe B.H. ³¹hīc B.H. add. ³²ʒerylle H. ' - ʒuxu B. ³³Lýf B. ³⁴ʒealʒe H. ³⁵ʒepit-nýrre B. ³⁶hýpeber H. ³⁷ʒanʒen B. ʒan H. but originally ʒanʒen. ³⁸heo B. hý H. ³⁹ʒeoƿeƿ B.H. ⁴⁰ʒyn B. ' x. ƿintpa H. ⁴¹beon ƿýrðe B.H. ⁴²ƿihter B.G.H. ⁴³Lýf B. ⁴⁴ƿihter B. ⁴⁵hpilcum B. hpýlcum H. ⁴⁶^ E. ⁴⁷him ƿiht H. add.

sic eum debet mallare. Cum testibus ad domum illius cui res præstavit accedat et sic contestetur ei, &c. Si nec tunc voluerit reddere, adhuc super VII. noctes similiter contestetur, sicut antea fecit, &c. Ergo si tunc noluerit reddere, nec fidem facere reddendi, supra debitum, quod ei præstitum est, et super illos novem solidos, qui per tres admonitiones acceverunt, dc. den. qui faciunt sol. xv. culp. iud.' For the earlier part of the process, see the same code, Tit. LII. [Don, the subject not only of nelle but of the imperative ʒebo, evidently refers to the defendant. The Latin has, 'et si *accusatus* vadium recti dare nolit, emendet 30 s., et infra VII. noctes faciat eum recti dignum.' Macro ms. penes H. Gurney, Esq.—T.]

¹ƿeðð ²[mon] ³ƿellan nelle.⁹ Ʒebete .xxx. ƿciff. ƿ ⁴binnan .vii.⁹
⁵nihcton ⁶Ʒeðð hine ⁷ƿýhter ⁸ƿeƿðne:.

BE ÐAM ƿRELENDAN ƷER þe ƿIM RYPTES BIDDE.

ix. ¹⁰Ʒif hƿa ^aƿpace ðó ¹¹æƿþon he him ¹²ƿýhter biððe. ƿ
 he him onnime. ¹³azife ^b. ƿ ¹⁴ƿoƿgilde. ƿ ¹⁵Ʒebete mið .xxx.
 ƿciff:.

BE REAF-LATE.

x. ¹⁶Ʒif hƿa binнан þam Ʒemærum uƿer ƿuceƿ ƿear-^clác
 ƿ ¹⁷með-næme ¹⁸ðó. ¹⁹azife he þone ²⁰ƿear-lác. ƿ ²¹Ʒeƿelle .ix.⁹
 ƿciff. to ƿite:.

¹ƿeð B. ²H. ³ƿýllan H. ⁴-nýlle B. ⁴binnon ƿeoƿen B. ⁵nihc
 B. nihctum H. ⁶E.H. ⁷ƿihter B. ⁸ƿƿðe B.H. ⁹no rubr.
 in B. æƿ man G. æƿ hine man H. ¹⁰Ʒif B. ¹¹æƿ H. ¹²ƿihter

^a The language of the Statute of Marlebridge will afford the best illustration of the offence here alluded to: 'Et nullus de cetero ultiones aut districtiones faciat per voluntatem suam absque consideratione curiæ domini regis, si forte dampnum vel injuria sibi fiat unde emendas habere voluerit de aliquo vicino suo sive majore sive minore.' Upon which my Lord Coke observes: 'Ultiones.] That they (refusing the course of the king's laws) took upon them to be their own judges in their own causes, and to take such *revenges* as they thought fit, until they had ransom at their pleasure. Distractiones.] That is, taking distresses, not according to law, as for services, rents, or for damage fesaunt, or for other lawful cause, but for *revenge*, without cause, of his own head and will; that is, to be his own judge and carver, to satisfy himself without any lawful means or course of law.'

^b The translation assumes that the bote was not a satisfaction for any special damage sustained by the injured party, but a compensation for the aggression upon his rights. Thus, too, in c. 31., we have, 'azife þæt ƿeoh and ƿoƿgilde and Ʒebete,' &c. In Cnut, c. 64., 'azife him to ƿihtre. and ƿoƿgilde þam þe hit Ʒebýrize. and Ʒilbe þam eininze,' &c. The same form of expression occurs in a case of 'reaffrac' given at some length in an ancient charter, (Aug. 11. 15.) 'Ða cƿædon þa ƿitan þe þær ƿæron. þæt betere ƿære. þæt man þene að aƿeƷ-lete. þonne hine man ƿealde. ƿoƿþan þær ƿýþþan nan ƿƿeonbryce ƿære. and man ƿolbe biððan þær ƿeaplaceƿ. þæt he hit ƿeolbe aƷƿan. and ƿoƿgýlðan. and þam cýninze hir ƿeƿ: Then the witan said who were there, that it were better to leave out the oath than that it should be given; for after that there would be no friend-

give him 'wedd;' let him make 'bōt' with xxx. shillings, and within vii. days do him justice.

OF HIM WHO TAKES REVENGE BEFORE HE DEMANDS JUSTICE.

9. If any one take ^arevenge before he demand justice; let him ^bgive up what he has taken to himself, and pay [the damage done], and make 'bōt' with xxx. shillings.

OF 'REAF-LAC.'

10. If any one within the limits of our realm commit ^c'reaf-lac' and 'nyd-næme;' let him give up the 'reaf-lac,' and pay lx. shillings as 'wite.'

B. ¹³ aȝȳfe *B.* ¹⁴ ƿopȝylbe *B.* ƿopȝylbe *H.* ¹⁵ bete *B.* ¹⁶ Lȳf *B.* Lȳf hƿa ƿear-lac and nȳdnæme ȝebo binnan, &c. *H.* ¹⁷ nȳð- *B.H.* ¹⁸ *B.E.* ¹⁹ aȝȳfe *B.* ²⁰ *B.* ²¹ ȝerylle *B.H.* ' - ȝixci *B.*

ship; and that they would ask for the reaf-lac, so that he should give it up, and pay the damage done (perhaps here the mesne profits), and his were to the king.'

^c In the later documents 'pear-lac' is used in a sense equivalent to the disseisin of our ancient law-books: 'and heo to þam ȝenebbe ƿæc hȳ bƿucan ƿapa lanða on ƿear-lac: and urged her to that degree that they should hold the lands in disseisin.' *Text. Roff.* c. 80. It is clearly the *rapina* of the Latin annalists: 'Addidit idem deceptor malum malo et dolum dolo, Deoque ac Sancto Petro abstulit cum *rapina* Burh et Undelas et Kateringes judicaverunt etiam ut Leofsius episcopo totum damnum suum suppleret, et mundam suam redderet; de *rapina* vero regi forisfacturam emendaret, dato pretio genealogiæ suæ.' *Hist. Eliensis*, c. x. p. 469. In their origin the terms in the text are synonymous; and unless we refer ƿear-lac to the spoil, and nȳdnæme to the mode of execution, there will be a difficulty in shewing that they are not so here, since the ƿear-lac alone is spoken of as the thing to be restored. By Ælfred, in his translation of Bede, nȳdnæme is used in the sense of a violent taking away: 'Se ƿuðða ȳ ƿæc ȝe ƿa mȳnȝep ƿa ƿe Lobe ȝehalgode ȝynðon. nænȳgum biȝcobe alȳfep ȝi in ænȳgum ȝinȝe hi ȝe-unȝtillian. ne opihc of heopa æhtum ƿuþ nȳdnæme on ȝeneoman: Tertium, ut quæque monasteria Deo consecrata nulli episcoporum liceat ea in aliquo inquietare; nec quicquam de eorum rebus violententer abstrahere.' *Lib. iv.* c. 5. In the old German glossaries we have 'Notnumft, spolia:' 'Notnumfte, furtum violentum:' 'Notname, rapina:' and at a later period, 'Ned numpft, a *burglarious* stealing.'

¹BE ²ÐAM ³MONNUM ÐE ⁴ÞIORA ⁵ÆLELONDAN BE-
BYLLLAÐ.⁶

XI. ⁷ƿif hƿa hƿ ⁸azenne ⁹zeleob ¹⁰bebýcƿe. þeorne oþþe
¹¹ƿruge. þeah he ƿcýlbið ¹²ƿie. ¹³oƿer ¹⁴ƿæ ¹⁵ƿorƿielse hine
¹⁶[be] hƿ ƿere¹⁷.

BE ¹⁸ƿEƿONƿENUM ÐEƿFUM.¹⁹

XII. ²⁰ƿif þeof ²¹ƿie zeƿonzen. ²²ƿelce he deaðe. oþþe hƿ
hƿ be hƿ ƿere ²³man ²⁴alere.

BE ²⁵ÐAM ÐE ²⁶ÞIORA ƿEƿITNESSA ²⁷BEFORAN ²⁸BISġ.
²⁹ÆLEOLAÐ.

XIII. ³⁰ƿif hƿa beƿonan ³¹býcepe hƿ ³²zeƿitneƿe ƿ hƿ
³³ƿed aleoge. zebece mid ³⁴c.xx. ³⁵ƿciff.

Ðeoraƿ ƿe hatað oð ³⁶vii. men. ³⁷ƿrom ³⁸vii. hloð. oð
³⁹xxxv. ⁴⁰ƿiþþan ⁴¹bið here.

BE ƿLOÐE.

XIV. Seþe hloðe ⁴²betýzen ƿie. ⁴³zeƿicne ƿe hine ⁴⁴b be
⁴⁵c.xx. hida. oþþe ƿa ⁴⁶bete.

¹ Be lant býzene *B.* lēoban *superscribed.* ² þan *G.* ³ mannum *G.H.*
⁴ hƿa zelanban bebiczað *G.* heora — *H.* ⁵ ƿif *B.* ⁶ azene *B.*
⁷ leoban *B.* leob *H.* ⁸ bebýcƿe *B.H.* ⁹ ƿruge *B.* ¹⁰ ƿý *B.H.* ¹¹ and
B. add. not in E.H. ¹² *B.* ¹³ ƿenbe *B. add. zeƿýlle H. add.*
¹⁴ ƿorƿýlbe *B.* ƿorƿýlbe *H.* ¹⁵ *B.H.* ¹⁶ and ƿið ƿiobð deoplice bete.
B. add. ¹⁷ zeƿanzenum *B.H.* '— ƿeore *G.* ¹⁸ ƿif *B.* ¹⁹ ƿý *B.*
'— zeƿanzen *H.* ²⁰ ƿýlce *B.H.* ²¹ not in *H.* ²² alýre *B.H.*

^a There is a variation between the rubric and the text, which may or may not have been intentional. (See above, p. 77, note ^b.) Perhaps the rubric defines the class intended to be protected. One of the St. Galle glosses renders 'patriota' by 'gilanta'; and the prohibition might in practice have been confined to native, and not to foreign slaves.

^b A similar form of expression has already occurred in Alfred's dooms (c. 11.) 'ƿif hie mon teo. zelaþe hi be ƿuxtezum hida: If any one accuse her, let her clear herself with sixty hides.' In these dooms it is of more frequent occurrence. Thus, c. 46: 'þonne ƿceal he be LX. hýða onraean þæpe þeƿðe: he shall make denial of the theft with sixty hides.' C. 52: 'zeƿicne hine be c.xx. hida: let him clear himself with one hundred and twenty hides.' C. 53: 'cýðe on þam aðe be LX. hida: let him prove in the oath of sixty hides.' C. 54: 'þonne ƿceal bion on þæpe hýnðenne an kýning æðe be

OF THOSE MEN WHO SELL THEIR * COUNTRYMEN.

11. If any one sell his own countryman, bond or free, though he be guilty, over sea, let him pay for him according to his 'wēr.'

OF THIEVES SEIZED.

12. If a thief be seized, let him perish by death, or let his life be redeemed according to his 'wēr.'

OF THOSE WHO BELIE THEIR TESTIMONIES BEFORE
A BISHOP.

13. If any one before a bishop belie his testimony and his 'wed,' let him make 'bōt' with cxx. shillings.

Thieves we call as far as vii. men; from vii. to xxxv. a 'hloth;' after that it is a 'here.'

OF 'HLOTH.'

14. He who is accused of 'hloth,' let him clear himself with cxx. hides; or make 'bōt' accordingly.

²³ þan *G.* ²⁴ heope ȝeƿitneſſe *B.* hýpa - *G.* heopa - *H.* ²⁵ not in *B.* ²⁶ biſcope *H.* ²⁷ ȝeleozað *B.* ²⁸ ȝýf *B.* ²⁹ biſceope *B.* biſcope *H.* ³⁰ ȝeƿitnýſſe *B.* ³¹ pebb *H.* ³² hunb-ƿelƿtȝ *B.* ³³ ȝeil-lingum *H.* ³⁴ ȝeoſen *B.* ³⁵ fram ȝeoſon mannum *H.* ³⁶ ȝeoſon *B.* ³⁷ riſ anð þƿittȝ *B.* ³⁸ anð ȝýþpan *B.* ³⁹ not in *B.* ⁴⁰ becozen ȝý *B.H.* ⁴¹ ȝeclenſe *B.* ⁴² hunb-ƿelƿtȝum hýba *B.* ⁴³ ȝebete *B.*

xxx. hýba: then shall there be in the hynden one king-oath of thirty hides.' And in the same law: 'ƿite-ȝeopne monnan þýlſene mon ȝeal beþƿan be ƿelf hýðum ȝpa ȝeopne to ȝpingum. Enȝlſene be ȝeoſen anð þƿittȝ (ȝeoſtȝ) hýba: A Wylisc wite-theow shall be followed up (to conviction), like a theow, to the scourging, with twelve hides. An English (wite-theow) with four-and-twenty hides.' The expression clearly refers to the oath required in the wager of law, and in all probability to the ȝim-að. C. 52 seems to contain the rule which regulated the number of hides essential to the completion of such an oath, making it to consist of a hide for every shilling of the wite. 'He who is accused of compounding suits secretly, let him clear himself thereof with one hundred and twenty hides, or pay 120 s.' And again, c. 54: 'A Wylisc wite-theow shall be followed up (to conviction), like a theow, to the scourging, with twelve hides.' According to c. 23, the hydġild of a Wealh was

BE 1 þERILE.

xv. Seþe ²hepe-teama ³betýgen ríe. he hine be hýr ⁴pep-
gýlde alíere. ofþe be ⁵hýr pepe ǵerþícne. Se að rceal ⁶bíon
healf be hupl-ǵengum. Ðeof ⁷rýþþan he ⁸bíð on cýningeŕ
⁹benðe. nah he þa ¹⁰rþícne.

BE ÐEOF-SLELE.

xvi. Seþe þeof ofrlyhð. ǵe mot ǵecýðan mýð ¹¹aðe þ he
híne ¹²rýnnýgne ofrlyðe. ¹³nalleŕ þa ¹⁴ǵegýlðan.

¹ hepe *B.G.* hepege *H.* ² hepeteame *H.* ³ betozen rý *B.H.*
⁴ pepgýlbe alýre *B.* pepegýlbe - *H.* ⁵ hýr. þam *superscribed.* ⁶ þam
ǵeelenrýe *B.* ⁷ beon *B.H.* ⁸ - halþ *B.* ⁹ rýþþan *B.H.* ¹⁰ beoð *B.*

12 s. Indeed the same inference may be indirectly drawn from all the examples cited, since the wites in Ine's dooms are fixed at 30 s., 60 s., and 120 s. Perhaps the same rule obtained when the defendant was to swear 'be hýr pepe,' or the amount of his wergild. Nearly all the continental codes observe this system with respect to the compurgators. The old Danish law supplies the following scale: 'If the value of the matter litigated amounted to three marks of silver, thirty-five compurgators were necessary; if to two marks, twenty-three; if to one mark, eleven; if to six ores, five; and for two ores, and below that sum, two.' *Rosenvinge's Grundriss*, § 75. The number of hides for which the respective classes might swear is not delivered with equal apparent certainty. In c. 19 we are told: 'Lýningeŕ ǵeneat ǵýf hýr pep bíð tpeŕf hunð ǵeíft. he mot rþeþian ǵop rýxtýz híða ǵýf he bíð hupl-ǵengæ.' This is rendered in the old Latin version, 'Regis geneat, id est colonus fiscalinus, si were sua sint XII. hund scill., id est duodecies c. sol., potest jurare pro LX. hidis, id est pro hominibus VI., si sit huslgenga, id est XII. hyndus vel husbonde.' There are some inaccuracies here; but the calculation, with which alone we are at present concerned, is founded upon a dictum contained in the Mercian law respecting the wergild: 'Tpelf henber manneŕ að ǵopŕtent VI. ceopla að. ǵopþam ǵýf man þone XII. henðan pþecan ǵcolbe. he bíð ǵul-pþecan on ǵýx ceoplan. and hýr pepgýl bíð ǵýx ceopla pepgýl: The oath of a twelve-hynde is equal to the oath of six ceorls, because if any one should avenge a twelve-hynde man, he is fully avenged in six ceorls, and his wergild is that of six ceorls.' A confirmation both of the doctrine and the practice may be collected from a passage in the *Dialogus Ecberti*, An. 734: 'Si necessitas coegerit, in quantum valet iuramentum episcopi, presbyteri, vel diaconi, sive monachi? . . . Presbyter secundum numerum c.xx. tributariorum; diaconus vero juxta numerum LX. manentium; monachus vero secundum numerum xxx. tributariorum: sed hoc in criminali causa.' *Willk. Conc.* i. p. 82. At first sight there appears to be some exaggeration in this statement: for, assuming that the presbyter was considered at that time as equal to a thane (confer Oaths, c. 12.), and that the wergild of a thane was 1200 s. (confer Be Wergelde, c. 1.), it is certain from

OF 'HERGE'

15. He who is accused of 'hereteam,' let him redeem himself with his 'wer-gild,' or clear himself according to his 'wēr.' The oath shall be half of communicants. A thief, after he is in the king's custody, shall not have the clearance.

* OF THIEF-SLAYING.

16. He who slays a thief must declare on oath that he slew him offending; not his gild-brethren.

⁹ benðum *B.* ¹⁰ ȝeƿiƿne *B.H.* ¹¹ hīȝ *H. add.* ^{12'} ȝcȳlbȳ *B.*
¹³ nallær *H.* ¹⁴ ȝȳlban *B.*

c. 19. that a king's geneat, if his 'were' were 1200*s.*, could only swear for sixty hides. But this difficulty may be met by a conjecture which the reader will find submitted below, (p. 137, note ^c.) that the true reading of c. 54. is 120 and not 30 hides, in which case there will be nothing extraordinary in placing the presbyter or mass-thane on an equality with a king's thane. In addition, it may be right to notice some other allegations which seem to confirm the doctrine contained in the old Latin version, that the oath of a ceorl was rated at ten hides or shillings. At c. 46. it is said, 'tunc debet *per* LX. *hidas*, *id est per* VI. *homines* abnegare.' In another ms. of the Latin translation, c. 19. is thus given: 'Regis geneat, *id est villanus*, si wera sua sint XII. hund sol. potest jurare *per* LX. *hidas*, *id est se sexto*, si sit huslgenga.' After the Conquest, *villanus* is the usual term for a ceorl (see the Custumal of Hen. I. throughout); and such, indeed, is the translation of the word geneat in a document to be cited immediately (p. 114, note ^b). It is obvious, therefore, that the author of this version considered the law as referable to the ceorl of his own times, and equally so that the ceorl was reputed as capable of swearing for ten hides; since whatever may have been the text before the translator, whether our own or a different one, he has rendered it, 'per LX. *hidas*, *id est se sexto*.' Again: a still further confirmation of this doctrine has been thought to be deducible from the following passage in c. 54: 'Tȳ hine mon ȝilt. þonne moȝ he ȝeſellan on þapa hyndenna ȝehpælcepe, &c.: If he be found guilty, he may then give each of the hyndens,' &c. According to the Jud. Civit. Lundoniæ, a hynden consisted of ten men; and as the plural number is here used, it must have required at least two hyndens to convict the party charged. Now $10 \times 10 \times 2$ are equal to 200, whether hides or shillings, the were of a ceorl; $30 \times 10 \times 2 = 600$, or the were of a six-hynde man; and $60 \times 10 \times 2 = 1200$, or the were of a twelve-hynde or thane.

^a [Mr. Price had thus rendered this obscure enactment: 'He who slays a thief may prove with an oath that he slew him offending; then is he by no means to make requital.' His version, though countenanced by Bromton's Latin, appears to me wholly inadmissible as a representation either of the sense or words of the original.

BE FORSTOLENUM FLÆSLE.

xvii. Seþe forstolen flære fondeð 1 ʒeðýrned. 2 ʒif he
deap. he mot mid aðe ʒecýðan þ he hit 3 aðe. 4 Seþe 5 hit
6 ofrrýnað. he ah þ melb-feoh:.

* BE 7 LIRLISLUM ðEOFE LEFONLENUM.

xviii. 8 Cieþlice mon. 9 ʒif he of 10 becyðen pære. 11 ʒif
he æt 12 riðercan 13 rie ʒefonzen. 14 rleá 15 mon 16 honð 17 [of]
oþþe 18 fōt:.

BE 19 LYNINLES b LENEATE.

xix. Lýninges ʒeneat. 20 ʒif hif þe bið 21 tpef hund fcið.
he mot 22 rpeuan for 23 rýxtið 24 hída ʒif he 25 bið huf-
26 ʒengea:.

BE FEORRAN 27 LUMENUM MEN 28 BUTAN þELE 29 LE-
METTON.

xx. Líf 30 feorcund 31 mon oþþe fremde butan þege 32 ʒeond

1 ʒeðýrned *H.* 2 ʒýf *B.* 3 *B.* 4 and *H. add.* 5 *B.* 6 ofrrýped
B.H. 7 ceoplicum þeorum ʒeazanenum *B.* cýplicum -- *G.*
cieþlice -- *H.* 8 Lýþlice *B.* 9 Cieþlice man *H.* 10 ʒýf *B.* 11 be-
cyðen *B.H.* 12 *B.* 13 riðercan *H.* 14 rleá 15 mon 16 honð *B.*
17 *B.H.* 18 *B.*

Though much doubt certainly attends the meaning of this law, yet some of it may, perhaps, disappear on observing that the short introduction immediately preceding c. 14. has reference to cc. 14, 15, 16, (or, as they ought to stand, cc. 16, 14, 15.) The lawgiver begins by the definition of a Thief, a 'Hloth,' and a 'Here,' and then proceeds to the three enactments, of 'Hloth,' of 'Herge,' and of 'Thief-slaying.' When, therefore, in the last of these, he mentions þa ʒeðilban, he means apparently, not strictly his 'gild-brethren,' or those belonging to the same gild or fraternity, but his fellow thieves, according to the definition, þeoƿar þe hatað oð vii. men. The law then would be simply this, that if a thief be slain while thieving, the slayer must declare on oath that he slew him in the fact, but then that slayer must not be an associate (not one of the seven or under seven), the object being apparently to prevent the recurrence of some villainous practice that had prevailed, such as murdering an associate, for the sake both of plundering him of his booty, and of the benefit attending the denunciation of him as a slain thief. Dr. Schmid renders the words 'nalle þa ʒeðilban' by 'nicht die Genossen.'—*T.*]

* This law will be found in a larger form at c. 37.

b The term 'ʒeneat,' like ʒerð and ʒerepa, means an associate or companion, and appears to have denoted a person holding land by

OF STOLEN FLESH.

17. He who finds stolen flesh and keeps it secret, if he can, he may prove on oath that he owns it. He who traces it out, he shall have the information money.

OF A 'CEORLISH' THIEF SEIZED.

18. A 'ceorlish' man, if he have often been accused, if he at last be seized, let his hand or foot be cut off.

OF A KING'S 'GENEAT.'

19. A king's 'geneat,' if his 'wēr' be twelve hundred shillings, he may swear for sixty hides, if he be a communicant.

OF A MAN COMING FROM AFAR FOUND OUT OF THE HIGHWAY.

20. If a far-coming man, or a stranger, journey through a

¹⁹ cūŋer *B.* kŋnŋŋer *H.* ²⁰ Ʒŷf *B.* ²¹ c.xx. *H.* ²² ƷƷerŋzan *H.*
²³ Ʒŋxtŋ *B.* l.x. *H.* ²⁴ B.E. ²⁵ beoð *B.* ²⁶ ƷenƷa *B.H.* ²⁷ cume-
 nan *H.* ²⁸ not in *B.* ²⁹ Ʒemettan *G.* Ʒemetum *H.* ³⁰ Ʒeorcuman
B. ³¹ man *B.H.* ³² Ʒeon *B.*

a base tenure: 'Geneat-ŋht Ʒ mŋtlic be Ʒam Ʒe on lanðe Ʒtænt. On Ʒumon he Ʒceal lanð-Ʒafol Ʒŷllan. and ƷæƷƷ-ƷƷŋ on Ʒeape. and Ʒuðan and aueƷan and laðe læðan. ƷƷŋcan and hlaƷonð Ʒeorŋmian. ƷƷpan and mapan. deopheƷe heapan. and Ʒæte halban. bƷtlean and buƷh-heƷezian. nŋƷe Ʒapan to tunc Ʒeccan. cƷƷic-Ʒceat Ʒŷllan and ælmeƷ-Ʒeoh. heafod-Ʒeapðe healbān. and hoƷƷ-Ʒeapðe æpenðian ƷƷŋ ƷƷa nƷƷ ƷƷa hƷƷðer ƷƷa hine man to-tæcð. ms. C.C.C.C. 383. Vilani rectum est varium et multiplex secundum quod in terra statutum est. In quibusdam terris debet dare land-gablum et gers-swyn, i. e. porcum herbagium [porcum herbagii], et equitare et avariare et summagium ducere, [operari] et dominum suum firmare, metere et falcare, deorhege cedere et stabilitam [stabilitatem] observare, edificare et circumsepire, novam faram adducere, cyric-sceatum dare et elmesfeoh, i. e. pecuniam elemosinæ, heafodwardum custodire et horswardum, in nuncium ire longe vel prope quocunque diceret [dicetur] ei.' Cot. Titus. A. 27. fol. 149. It seems, from the text, that a twelve-hynde man might be a king's geneat. In Domesday frequent mention is made of thanes holding by ignoble services. [The variations within brackets in the above extract are from the Macro ms.—T.]

puðu ¹ʒonge. ⁊ ne ²hpueme ne hoƿn blaƿe. ƿoƿ þeoƿ he bið to
ƿƿoƿianne. ³oþþe to ƿleanne' oþþe to ⁴alieƿanne:.

BE 8^{PA} 5 OFSLELENES MONNES' ƿERE.

xxi. ⁶Liƿ ⁷mon þær ofƿlægenan ƿeƿeƿ biððe. he moƿ ʒe-
cýðan þ he hine ƿoƿ þeoƿ ofƿloʒe. ⁸nalleƿ þær ⁹ofƿlegenan
ʒegilðan' ne hiƿ hlaƿoð. ¹⁰Liƿ he hiƿ þonne ¹¹ðieƿneð. ⁊
¹²ƿeoƿðeð ¹³ýmb long' ýppe. þonne ƿýmeð he ¹⁴þam ðeaðan to
þam aðe. þ he hine moƿon hiƿ ¹⁵mæʒaƿ unƿýnʒian:.'

BE 16 DON ðE 17 MONNES 18 LENEAT STALILE.'

xxii. ¹⁹Liƿ þin ʒeneat ²⁰ƿtalihe. ⁊ ²¹loƿie þe. ²²ʒiƿ þu hæbbe
²³býrʒean. mana þone þær ²⁴anʒýlðeƿ. ʒiƿ' he næbbe. ²⁵ʒýlð
þu þ anʒýlðe. ⁊ ne ²⁶ƿie him ²⁷no þý þinʒoðne:.'

BE 28 ELDEODIES MONNES' SLEGE.

xxiii. ²⁹Liƿ ³⁰mon ³¹elþeodizne ofƿlea. ƿe ³²cýning ah
³³ʿtƿæðne ðæl' ƿeƿeƿ. þriððan ðæl ƿunu oþþe ³⁴mæʒaƿ. Liƿ'
he þonne mæʒleaƿ ³⁵ƿie. healf' ³⁶kýningc. c healf' ƿe ʒeƿið.

¹ ʒonge *H.* ² ƿýme *B.* hƿýme *H.* ^{3'} not in *B.* ⁴ alýanne *B.H.*
^{5'} ofƿlæzeneƿ manneƿ *B.* ofƿlazeneƿ - *G.H.* ⁶ Liƿ *B.* ⁷ man þonne
B.H. ⁸ nalleƿ *B.* nalleƿ *H.* ⁹ ofƿlazenan *H.* ^{9'} ofƿlægenan ʒýlðan *B.*
¹⁰ Liƿ *B.* ¹¹ ðýrneð *B.* ðýrneð *H.* ¹² ƿuƿð *H.* ¹³ emb *B.* ^{13'} ýmbe
lanʒe *H.* ¹⁴ þæm *B.* ¹⁵ mæʒaƿ *B.* ^{15'} - unƿýlbizne ʒeðon *H.* ¹⁶ þan
B.G. þam *H.* ¹⁷ manneƿ *B.G.H.* ^{18'} ʒeƿtaliʒe *G.* ¹⁹ Liƿ *B.*

^a [Here we meet with the same difficulty as in c. 16. With respect to the ʒegilðan of a stranger slain in passing through a wood, &c., the same reason may be assigned for excluding them from the oath as is given in the note to c. 16., but this will not hold equally good with regard to the hlaƿoð. Perhaps this, as well as the other law, was enacted to provide against a repetition of some foul deed, in which the hlaƿoð and ʒegilðan of the murdered man had been implicated. Mr. Price's version differs so widely from my own, that, in a case of so much doubt, I ought not to suppress it: 'If a man demand the were of the slain, he must prove that he slew him for a thief; then he is by no means to pay the were of the slain, nor his lord. If, then, he conceal it,' &c. Dr. Schmid accords with me in his translation of the passage nalleƿ þær ofƿlegenan, &c. viz. 'nicht die Genossen des Erschlagenen oder sein Herr.' Bromton's Latin has 'et [non] solvatur ipsius occisi congildonibus vel domino suo.' — *T.*]

^b [Bromton and the Macro ms. read 'si non habeas,' which affords a better sense, though unauthorized by any of the Saxon texts extant. — *T.*]

wood out of the highway, and neither shout nor blow his horn, he is to be held for a thief, either to be slain or redeemed.

OF A MAN'S 'WĒR' THUS SLAIN.

21. If a man demand the 'wēr' of the slain, he must declare that he slew him for a thief; not the associates of the slain, nor his lord: but if he conceal it, and after a time it become known, then makes he room for an oath on behalf of the dead man, that his kindred may exculpate him.

IN CASE A MAN'S 'GENEAT' STEAL.

22. If thy 'geneat' steal, and run away from thee, if thou have a 'byrgea,' admonish him of the 'angylde:'^b if he have it not, pay thou the 'angylde,' and be it to him, therefore, not the more settled.

OF SLAYING A FOREIGNER.

23. If a foreigner be slain, the king has two parts of the 'wēr,' a third part his son or kinsmen. But if he be kinless, half the king, half the 'gesith.' If, however, it be an abbot

²⁰ fcahge *H.* ²¹ lorige *B.H.* ²² gýf *B.* ²³ boþgar *B.* ²⁴ angýlbar gýf *B.* ²⁵ gýlb *H.* ²⁶ gý *B.H.* ²⁷ na þe geþingobne *B.* — geþingpobe *H.* ²⁸ ælþeobigef manneþ *B.H.* ²⁹ Gýf *B.* ³⁰ man *H.* ³¹ ælþeobnigne mon *B.* ælþeobigne *H.* ³² cýnþ *B.* ³³ tpeþen bælaþ þæf *B.H.* ³⁴ maþar *H.* ' — Gýf *B.* ³⁵ gý *H.* ' — halþ *B.* ³⁶ cýninge *H.* kýninge *E.* ' cýning halþ *B.*

^c The use of the definite articles proves the full sentence to have been 're geþið þæf ælþeobigan manneþ,' and not, as it is given in the Latin versions, 'dimidium consocio regis.' Perhaps the custom may be illustrated by the following extract from the 5th Hen. IV. c. 9.: 'In every city, town, and port in England where alien merchants are or repair, sufficient *hosts* shall be assigned them by the chief officers of such cities, &c.; and such merchants shall not remain in other places, but with their *hosts* so to be assigned, who shall take for their trouble *as of old time*.' The rule with respect to an abbot or abbess is thus spoken of in a grant of Ecgbert to the monastery at Abbandon, An. 835: 'Similiter de hereditate peregrinorum, id est Gallorum et Brittonum et horum similium, ecclesiæ reddatur. Pretium quoque sanguinis peregrinorum, id est Wergeld, dimidium partem rex teneat, dimidium ecclesiæ antedictæ reddant.' Kýninge has the appearance of a misreading of kýningce, a common error. [Kýningce is undoubtedly the true reading, and I have not scrupled to adopt it in the text; it is moreover supported by ms. *B.* — *T.*]

¹ Līf hit þonne ² abbod rīe' oþþe ³ abboderyre. ðælen' on þa ilcan
 rīan rið þone ⁴ kynnīg.

Pealh ƷaƷol-⁵ Ʒelda ⁶ .c.xx. rīcīſt. hīr rīnu ⁷ c. ðeopne ⁸ .lx.
⁹ ðomhpelcne rīftecūm. Pealeŷ hƷð ¹⁰ tpeľfūm:

BE RITE-DEOPES ¹¹ MONNES SLEGE.

xxiv. ¹² Līf ¹³ rīte-þeop. ¹⁴ Enġlīrc-mon. hīne rōŷŷtalīe. ¹⁵ hō
 hīne ¹⁶ mon. Ʒ ne ƷƷľbe hīr hlafordē. ¹⁷ Līf hīne ¹⁸ mon ¹⁹ of-
 rľēa. ne ƷƷľbe hīne ²⁰ mon hīr ²¹ mægūm. Ʒīf' ²² hīe hīne on
 tpeľf-monðūm ne ²³ alīeŷden.

Pealh. ²⁴ Ʒīf he ²⁵ hafað rīf ²⁶ hƷða. he ²⁷ bīð rīx hƷnde:

BE LIEPE-MONNA ²⁸ FÓRE ²⁹ ÚPPE ON ³⁰ LONDE.

xxv. ³¹ Līf ³² liepe-mon uppe' on ŷolce ³³ ceapīe. ðð' þ be-
 rōpan ³⁴ Ʒerītnerrūm. ³⁵ Līf rīefe-rīoh mon æt ³⁶ ciepan beŷð.
 Ʒ he hit næbbe beŷōpan Ʒodūm ³⁷ peotūm Ʒeceanod. ƷecƷðe
 hit be ³⁸ rīte þ he ³⁹ ne ⁴⁰ Ʒerīta ne Ʒerītala næpe. oþþe ⁴¹ Ʒīelbe
 to rīte ⁴² .vi. Ʒ .xxx. rīcīſt.:

BE FUNDENES LILDES FOSTRE.

xxvi. To fundener ⁴³ cīldeŷ rōŷŷŷne þƷ rōŷman Ʒearpe ⁴⁴ Ʒe-
 rēlle .vi.' rīcīſt. ⁴⁵ þƷ ⁴⁶ æfŷerpan tpeľf'. ⁴⁷ þƷ þƷuddan ⁴⁸ .xxx.
⁴⁹ rīþþan be hīr plīte:

¹ Līf *B.* ² abbuð rī *B.H.* ³ abbuðīŷŷe ðælon *B.H.* ⁴ cƷnīng
B.H. ⁵ -ƷƷľba *B.H.* ⁶ hūnð-tpeľŷŷīŷ *B.* ⁷ hūnðŷeð *B.* ⁸ ŷerīcīŷ
 rīcīſt. *B.* ⁹ ðomhpŷlēne mīð rīfŷīŷ *B.H.* ¹⁰ mīð *B.H. add.* ¹¹ man-
 ner *B.G.H.* ¹² Līf *B.* ¹³ Enġlīrc-man *H.* ¹⁴ *B.E.H.* ¹⁵ man *H.*
¹⁶ Līf *B.* ¹⁷ man *H.* ¹⁸ *B.E.* ¹⁹ man *B.* ²⁰ māƷūm *H.* ²¹ -ƷƷľ *B.*
²² hƷ *B.H.* ²³ alƷŷŷōn *B.H.* ²⁴ Ʒīf *B.* ²⁵ hægð *B.H.* ²⁶ hīða *B.*
²⁷ bƷð *H.* ²⁸ cƷpmanna *B.G.* ²⁹ cƷpemanma *H.* ³⁰ *E.G.* ³¹ řape *H.*

^a [The terms 'Wealh' and 'Wylisc' have been left untranslated, when signifying the British inhabitants of Wessex, &c., in order to distinguish them from the 'Welsh' of the Principality. *Wealh, O.H.Ger.* *Walah*, (whence the adjectives *wylisc* and *walahisc*,) *i.e.* a 'foreigner,' was the term applied by the Teutonic nations to the inhabitants of Latin Europe in general: even at the present day, Italy is by the Germans called 'Welschland.'—*T.*]

^b The following extract from the *Formulæ Marculphianæ* will best illustrate the circumstances and the conditions under which a man became reduced to the state of a wite-theow: 'Contigit quod cellarium vel spicarium vestrum infregi, et exinde annonam vel aliam raupam in solidos tantos furavi. Dum et vos et advocatus vester

or an abbess, let them divide in the same wise with the king.

A ^a 'Wealh gafol-gelda,' cxx. shillings; his son, c.; a 'theow,' lx.; some with fifty: a 'Wealh's' hide with twelve.

OF SLAYING A 'WITE-THEOW.'

24. If a ^b 'wite-theow,' an Englishman, steal himself away, let him be hanged; and nothing paid to his lord. If any one slay him, let nothing be paid to his kindred, if they have not redeemed him within twelve months.

A 'Wealh,' if he have five hides, he shall be as a six-'hynde' man.

OF THE JOURNEYING OF CHAPMEN UP THE COUNTRY.

25. If a chapman traffic up among the people, let him do it before witnesses. If stolen property be attached with a chapman, and he have not bought it before good witnesses, let him prove, according to the 'wite,' that he was neither privy [to the theft] nor thief; or pay as 'wite' xxxvi. shillings.

OF FOSTERING A FOUNDLING.

26. Let vi. shillings be paid for the fostering of a foundling for the first year: xii. shillings the second; xxx. shillings the third; afterwards, according to its appearance.

²⁹ ūp G. upp H. ³⁰ lanþe B. lanþ G. lanþe-geþýne H. ³¹ Grýf B. ³² ceapman H. 'cepeman ýppe B. ³³ ceapige B. ' - H. ³⁴ ge-
 ptnýrre B. geþitnerre H. ³⁵ Grif man gefotolen feoh H. Grýf mon
 f. f. B. ³⁶ cýpmen B. ceapmen - H. ³⁷ grtum B.H. ³⁸ B.
³⁹ nā H. ⁴⁰ B. ⁴¹ gylbe B. gylbe H. ⁴² grýx B. ⁴³ cýlber B.H.
⁴⁴ gerýlle H. ' - grýx B. ⁴⁵ þa B. and þý H. ⁴⁶ æfteran B. æfteran
 geape xii. and H. ⁴⁷ þa B. ⁴⁸ xx. and H. ⁴⁹ grýþþan B.

exinde ante illum comitem interpellare fecistis, et ego hanc causam nullatenus potui denegare, sic ab ipsis Racimburgiis fuit iudicatum, ut per wadium meum eam contra vos componere atque satisfacere debeam, hoc est, solidos tantos vel.* Sed dum ipsos solidos minime habui unde transsolvere debeam, sic mihi aptificavit, ut brachium in collum posui, et per comam capitis mei coram præsentibus hominibus tradere feci, in ea ratione, ut interim quod ipsos solidos vestros reddere potuero, et servitium vestrum et operam qualemcunque vos vel juniores vestri injunxeritis facere et adimplere debeam; et si exinde negligens vel jactivus apparuero, spondeo me contra vos ut talem disciplinam super dorsum meum facere jubeatis quam super reliquos servos vestros.' *Canciani*, vol. II. p. 276.

BE ¹ÐON ÐE ²MON DEARNENGA' BEARN ³LESTRIENE.

xxvii. Seþe ⁴ðearnunga ^a bearn ⁵Ʒertruneð Ʒ ⁶Ʒehleð. nah
re hƷ deaðer ⁷Ʒeþ. ac hƷ hlaforð Ʒ re ⁸cýnung:

⁹BE ÐEOFES ONFENLE ƷET ¹⁰ÐIEFÐE.

xxviii. Se ¹¹[þe] þeof Ʒerheð. ¹¹[he] ah ¹².x. Ʒcill. Ʒ re
cýnung þone þeof. Ʒ þa ¹³mæƷar him ƷƷeƷian aðar ¹⁴unƷæhða.
¹⁵Ʒiþ he þonne ¹⁶oðerne Ʒ ¹⁷opuƷe ^bƷeopðe. þonne bið he
ƷiteƷ Ʒcýlðig. ¹⁸Ʒiþ he ¹⁹onƷacan Ʒille. ²⁰ðo he Ʒ be þam
²¹Ʒeo Ʒ be þam Ʒite:

BE ²²ÐON ²³ÐE ²⁴MON SPEORDES ONLÆNE OÐRES
c ÐEOPE.

xxix. ²⁵Ʒiþ ²⁶mon ƷƷeopðer onlæne ²⁷oðer ²⁸Ʒerne. Ʒ ²⁹he
³⁰loƷie. ³¹Ʒiðe he hine ƷƷuððan ðæle. Ʒiþ ³²mon ƷƷe
³³Ʒelle. heaƷne³⁴. Ʒiþ ³⁵he hopƷer ³⁶onlæne. ealne he hine
³⁷Ʒýlðe:

BE ³⁸ÐON ÐE ³⁹LIERLISL MAN ⁴⁰FLIEMAN FEORMILE.

xxx. ⁴¹Ʒiþ ⁴²mon cieƷliƷcne' ⁴³monnan ^dƷlieman-Ʒeopme'
teo. be hƷ ⁴⁴aƷnum ƷeƷe ⁴⁵ƷelaðuƷe he hine. ⁴⁶Ʒiþ he ne

¹ þan *B.G.* þam *H.* ² ðearnunga *B.* man ðearnunga *G.H.* ³ Ʒcýr-
neð *B.H.* ⁴ ðearnunga *B.H.* ⁵ Ʒertroneað *B.* Ʒertrýneð *H.*
⁶ Ʒehleð *B.H.* ⁷ *B.* ⁸ cýnƷ *B.* ⁹ Be Ʒeoper-manneƷ *B.H.*
¹⁰ ƷýƷe *B.H.* ¹¹ *B.H.* ¹² cýn *B.* ¹³ mæƷar *B.H.* ¹⁴ unƷehða and
H. ¹⁵ Ʒýf *B.* ¹⁶ oðerne *H.* oðerna *B.* ðo *superscribed.* ¹⁷ opuƷe
H. ¹⁸ Ʒýf *B.* ¹⁹ æƷacan Ʒýlle *B.* ²⁰ *H.* ²¹ ƷeƷe *H.* ²² þan *G.*
þam *B.H.* ²³ þe hƷ *B.* þa hƷ ƷƷeopð alæne oðer Ʒeopan *H.*

^a The old Swedish law contains a similar prohibition: 'Si tandem
nativus clanculum inscioque domino suo cum nativa contubernium
habuerat, sancitum erat, ut nihil in liberos juris haberet.' *Lex*
Ostro-G. Erfd. B. c. 29. *Ihre, in v.* Fostre. By Ælfred the seventh
commandment is rendered 'Ne liceƷ þu ðearnunga.'

^b This term is not met with elsewhere. From certain analogies
which are found in the Icelandic—Ór, Ur, cicatrix; Aur, Ur,
lutum; Aurgr, Urigr, lutulentus—it may be presumed to be only
a varied form of the A.-S. UpuƷ. In this case the passage in the
text would be equivalent to the expression, 'and he Ʒul Ʒeopðe: and
he be convicted.' Lambarde reads 'ƷeƷuƷe,' which, if correct, is
equally obscure.

IN CASE A MAN BEGET A CHILD CLANDESTINELY.

27. He who ^aclandestinely begets a child, and conceals it, shall not have the 'wēr' for its death; but his lord and the king.

OF SEIZING A THIEF IN A THEFT.

28. He who seizes a thief shall have x. shillings, and the king the thief; and let the kindred swear to him oaths of 'un-fæththe.' But if he run away, and become ^b'orige,' then shall he be liable in the 'wite.' If he will deny it, let him do so according to the property, and according to the 'wite.'

IN CASE A MAN LEND A SWORD TO ANOTHER'S
^c'THEOW.'

29. If a man lend a sword to another's 'esne,' and he run away, let him pay a third part of his value. If a man give a spear, half: if he lend a horse, let him pay his whole value.

IN CASE A 'CEORLISH' MAN HARBOUR A FUGITIVE.

30. If a man accuse a 'ceorlish' man of harbouring a fugitive, let him clear himself according to his own 'wēr.' If he

²⁴ man *B.G.H.* ²⁵ Gyf *B.* ²⁶ man *B.H.* ²⁷ oðrum *B.* ²⁸ h. ²⁹ hit *B.* ³⁰ lorize *B.H.* ³¹ gylbe *H.* 'be þrubbān ðæle he hit gylbe. Gyf *B.* ³² man *B.H.* ³³ rylle *B.H.* ³⁴ bæl hine gylbe *H. add.* ³⁵ mon *B.* man *H.* ³⁶ læne *H.* ³⁷ gylbe *H.* ³⁸ þam *B.H.* þan *G.* ³⁹ cýplīc *B.H.* ⁴⁰ flýman *B.G.H.* ⁴¹ Gyf *B.* ⁴² man *H.* 'cýplīcne *B.* ⁴³ mann flýman feorpmize *B.* man - feorpmie *H.* ⁴⁴ azenon *B.* azenum *H.* ⁴⁵ gelaðie *H.* ⁴⁶ Gyf *B.*

^c For the variation between the rubric and the text, see above, p. 77. note ^b. The esne was a theow, but every theow was not an esne. [From the text as given above, it appears to have been the 'esne' that was to be paid for, while, according to ms. *B.*, which reads hit, instead of hine, it was the sword. In the one case, the payer must have been the lender of the sword, in the other, the master of the 'esne.' The 87th of Henry I., as well as the translation in Bromton, were apparently made from a ms. very different from those extant. The latter has 'Qui gladium præstabit ad homicidium, si occidatur homo, reddat tertiam partem compositionis ejus; qui lanceam præstiterit, dividat weram; qui equum præstiterit, totum reddat.' The law of Henry is to the same effect.—*T.*]

^d Lambarde reads, 'flý man feorpmize teo.'

^a The Longobardic and old Swedish laws inflict a similar penalty for breaking a marriage contract: 'Si quis sponsaverit puellam liberam aut mulierem, et post sponsalia facta et fabulam firmatam per duos annos sponsus neglexerit eam tollere et dilataverit nuptias exequi; post transactum biennium potestatem habeat pater, aut frater, vel qui mundium ejus in potestate habet, distringere fidejussorem quatenus adimpleat metam illam quam in die sponsaliorum promisit: postea liceat eis ipsam dare marito alii, libero tantum.' *Ed. Rotharis.* c. 178. 'Nu kan thom manni älla kunu hugher wändas, ok willa äi tha fastning halda; hawi thän forgiort forningum ok fastnadha få: Si accidat, ut sponsus vel sponsa rumpere velit pacta sponsalia; qui in causa est, perdat dona sua cum pignore sponsalitie.' *Upl. L. Arfd.* B. c. 1. *Ihre, in v. Förning.* [Mr. Price's version of this somewhat obscure law was as follows: 'In case a man buy a wife, and then the gift be withheld.—If a man buy a wife, and the gift come not forth, let him pay the money, and compound and make bote to his

cannot, let him pay for him according to his own 'wēr:' and the 'gesithman' in like manner according to his 'wēr.'

IN CASE A MAN BUY A WIFE, AND THEN THE
'MARRIAGE TAKE NOT PLACE.

31. If a man buy a wife, and the marriage take not place; let him give the money, and compensate and make 'bōt' to his 'byrgea,' as his 'borg-bryce' may be.

OF A 'WILISC'-MAN'S LANDED ESTATE.

32. If a 'Wylisc'-man have a hide of land, his 'wēr' shall be cxx. shillings; but if he have half a hide, Lxxx. shillings; if he have none, Lx. shillings.

OF THE KING'S 'HORSE-WEALH.'

33. The king's 'horse-wealh,' who can do his errands, his 'wer-gild' shall be cc. shillings.

OF MAN-SLAYING.

34. He who has been in a ^bforay where a man has been slain, let him prove himself innocent of the slaying, and make

τρελτίζ *B.* ²⁹ ζύφ *B.* ³⁰ healpe *E.* 'healpe eahrtat *B.* ³¹ ζύφ *B.*
³² næbbe nan lanb firt *B.* ³³ næbbe *H.* ³⁴ kýnninge *H.* ³⁵ -pale
B. ³⁶ mæg *B.H.* ³⁷ zeapenbian *B.* 'zeapnbian þe pepegilb 1r *H.*
³⁸ þeþgylb *B.* ³⁹ tpa hunb *B.H.* ⁴⁰ monnþlyhte *H.* ⁴¹ þepe *B.*
⁴² *H.* ⁴³ þæp *B.* þæt *E.* ⁴⁴ man *H.* ⁴⁵ mann *B.* man *H.* but
orig. mannan. ⁴⁶ zetpýpie *B.* zetpýpie *H.* ⁴⁷ jlægeþ oþþe *B.*

borh, according as the borh-bryce may be.' What idea it is here intended to convey by the word 'gift,' as a translation of *girt*, I am unable to ascertain; but the meaning of the enactment seems to be, that if a man, after having bargained for a wife, neglect, without good cause, to complete the marriage, he should pay to the woman's relatives, not only the 'mundium,' but a compensation besides, as well as a bōt to his surety. A compensation to the relatives, under nearly like circumstances, is also directed by the *Lex Bajuv.* Tit. vii. c. 15., where it is said, 'Si quis liber, postquam sponsaverit alicujus filiam liberam legitime, sicut lex est, et eam dimiserit et contra legem aliam duxerit, cum xxiv. solidis componat parentibus.'—*T.*]

^b There is a fullness of meaning in the word 'fōpu' which can hardly be rendered by any single term, since it implies as well the going to a fray as the being actually engaged in it. The old German 'fara' appears to have been used in the same double sense—'seditione, ungareh odo fara.'

þær ¹orflægenan þer-ðielde. ²Uf hīr ³þer-ðield rīe ⁴.cc. rīcīl. ðebete mīð ⁵.l. rīcīl. y ⁶þa ilcan ⁷rīht ðo man be þam ðeor-þorenþan:.

BE ðEOF.^s SLIPTE. ⁹ÐÆT ÞE ¹⁰[ÐÆT] ¹¹MOȚE AÐE
LELYÐAN.

xxxv. Seþe þeor rīhð. he mot ¹²aðe ðecýðan þ̅ he hīne ¹³pleonðne for þeor rloze. y ¹⁴þær ðeaðan ¹⁵mægar him rperuan ¹⁶unceaþer að. ¹⁷Uf he hīt þonne ¹⁸ðierne. y ¹⁹rīe eft yppe-þonne ²⁰forðielde he hīne.

^a ²¹Uf ²²mon to ²³þam men' feoh ²⁴ðetēme þe hīr ²⁵æp ²⁶oðrþaren hæpðe y ²⁷æft ²⁸oðrperuan pille. ²⁹oðrperuþe be þam rīte y be þær feor rýrðe. ³⁰Uf he ³¹oðrperuan nýlle. ðebete þone mænan að ³²trý-bote:.

BE ðEOFES ³³ONFENLE AND ÞINE ³⁴[MAN] ³⁵ÐONNE
FORLÆTE.'

xxxvi. Seþe þeor ³⁶ðerehð. oþþe him mon ³⁷ðepongenne ³⁸agīfð. y he hīne þonne ³⁹álæte. oþþe þa ⁴⁰þierðe ðeðierne. forðielde' þone þeor ⁴¹[be] hīr þere. ⁴²Uf he ⁴³ealðormon rīe. ⁴⁴þolie hīr rīre. ⁴⁵buton him ⁴⁶kýning apuan pille:.

BE ⁴⁸LI[ER]LISLES ⁴⁹MONNES ⁵⁰ONTYNESSE JET ÐIEFÐE.'

xxxvii. Se ⁵¹ci[e]rīca mon' ⁵²reþe of ⁵³betýgen pæpe' ⁵⁴þierðe. y þonne æt rīðerþan ⁵⁵rýnnuþne ⁵⁶[man] ⁵⁷ðerð ^b in ⁵⁸ceape oþþe eller æt openþe rýlde. rlea him ⁵⁹mon honð' ⁶⁰of oþþe ⁶¹rōt:.

¹ orflægenan þerþýlde *B.* orflægnan þere *H.* ² Uf *B.* ³ þerþýlð rý *B.H.* ⁴ trā hunð *B.* ⁵ rīcīz *B.* ⁶ þa *B.H.* rý *E.* ⁷ rīht *B.* rýhte *E.* ⁸ -rlyte *H.* ⁹ þæt he mot ðæt mīð aðe ðecýðan *H.* þe he *E.* þæt he *G.* ¹⁰ *G.H.* ¹¹ *G.* ¹² mīð *B. add.* ¹³ pleonðe *H.* ¹⁴ þer *B.* ¹⁵ mægar *B.H.* ¹⁶ unceaþer *H.* ¹⁷ Uf *B.* ¹⁸ ðýrne *B.H.* ¹⁹ rý *B.H.* ²⁰ forþýlde *B.* forþýlde *H.* ²¹ Uf *B.* ²² man *H.* ²³ þæm *H.* /- menn *B.* ²⁴ *B.* ²⁵ *H.* ²⁶ ætrþopen *B.* oðrþopen *H.* ²⁷ eft *H.* ²⁸ ætrperuan rýlle *B.* ²⁹ rperuþe *B.* oðrperne *H.* ³⁰ Uf *B.* ³¹ þonne *H. add.* ætrperuan *B.* ³² trýþ-bote *B.* ³³ and-

^a Though the mss. give no fresh rubric, this is matter so evidently distinct from what has gone before, that the two enactments have been divided.

'bōt' for the foray, according to the 'wer-gild' of the slain. If his 'wer-gild' be cc. shillings, let him make 'bōt' with l. shillings; and let the like justice be done with respect to the dearer-born.

OF SLAYING A THIEF; THAT HE THAT MUST PROVE ON OATH.

35. He who slays a thief must prove on oath that he slew him fleeing for a thief; and the kinsmen of the dead swear to him an 'unceas'-oath. But if he conceal it, and it afterwards become known, let him pay for him.

^a If any one vouch a man to the warranty of goods who had before denied it on oath, and again is willing to deny it on oath; let him deny it on oath, according to the 'wite' and the worth of the goods. If he will not deny it on oath, let him make 'bōt' for the false oath two-fold.

OF TAKING A THIEF, AND THEN LETTING HIM GO.

36. Let him who takes a thief, or to whom one taken is given, and he then lets him go, or conceals the theft, pay for the thief according to his 'wēr.' If he be an 'ealdorman,' let him forfeit his shire, unless the king is willing to be merciful to him.

OF ACCUSING A 'CEORLISH' MAN OF THEFT.

37. The 'ceorlish' man who has been oft accused of theft, and then at last is taken offending, whether ^bin the fact or otherwise in open guilt, let his hand or foot be cut off.

renge and hine rpa forlæte *B.* ³⁴ *B.H.* ³⁵ þænne *G.* ³⁶ fehö *H.*
³⁷ zearzene *B.H.* ³⁸ æyrð *B.* ³⁹ *E.* ⁴⁰ þyrðe zebýrne forgyłbe
B. - zebýrne forgyłbe *H.* ⁴¹ *B.H.* ⁴² Gyf *B.* ⁴³ ealþorpan rý *B.*
ealþorpan - *H.* ⁴⁴ þolize *H.* ⁴⁵ butan *H.* ⁴⁶ re *H. add.* ⁴⁷ cýning
B.H. ⁴⁸ cýþlice *B.G.* cieþlice *H.* ⁴⁹ manne *G.H.* ⁵⁰ beto-
zeneþe *B.* æt þyrðe betozeneþe *H.* ⁵¹ ceoþlice man *B.* cioþlice
- *H.* ⁵² þe *H.* ⁵³ betozen *H.* ' - þepe *B.* ⁵⁴ þyrðe *B.* þyrðe *H.*
⁵⁵ cýppe *B.H. add.* rýnningne *B.* ⁵⁶ not in *E.* ⁵⁷ *E.H.* ⁵⁸ ceace
B.H. ⁵⁹ man hanða *B.* - hanð *H.* ⁶⁰ not in *H.* *E.* ⁶¹ *E.*

^b The variation is 'ceac,' for which see c. 62. below. The translation assumes that cēap is the root of cēpan, capture: and that ceac is the simple form of r-ceac; whence ꝛeacepe, latro. Schac

BE ¹ ÐON ÐE ² RYPT-³ LESAMBIÐAN BEARN ⁴ HÆBBEN-
⁵ AND ÐONNE SE ðER LEPITE.'

xxxviii. ⁶ Gif ⁷ ceorl y hys ⁸ wif bearn hæbben ⁹ gemæne. y
⁹ fere fe ¹⁰ ceorl forð. hæbbe ¹¹ his modor hys bearn y fere.
¹² aȝife hys ¹³ mon .vi. f. cill. to fortre. ¹⁴ cū on rumeria. oẏan
on ¹⁵ rintpa. ¹⁶ Dealden þa ¹⁷ mæẏar þone rrum-rcol oþẏæt
hit ẏepintred ¹⁸ rie.

BE ¹⁹ UNALFEDUM ²⁰ FÆRE ²¹ FROM HIS PLAFORDE.

xxxix. Gif ²² hþa fape ²³ unalhefð fram hys ²⁴ hlaforde. oþẏe
on oðre rre hys beẏtele. y hys ²⁵ mon ẏeahryge. fape þær
he ær þær. y ²⁶ ẏerelle hys ²⁷ hlaforde .lx. f. cill.

BE ²⁸ LEORLES ²⁹ ðEORÐILE b.

xl. Leorley ³⁰ weorðig rceal beon ³¹ rintrey y rumerer be-
týned. ³² Gif he bið untýned. y ³³ recð hys ³⁴ neah-ẏeburec
ceap in on hys aȝen ẏeat. nah he æt ³⁵ þam ceape ³⁶ nanpuht.
aðryfe ³⁷ hys ut. y þolie ³⁸ [þone] ³⁹ ærfeþðlan.

pan G. þam H. ² puht B.G.H. ³ ẏeramhryon G. ⁴ hæbban B.H.
habben G. ⁵ not in B. ⁶ Gif B. ⁷ ciorl H. ⁸ B. ⁹ fære
B.H. ¹⁰ ciorl H. ¹¹ ȝeo B. f. modor H. ¹² and H. add. aȝife B.
¹³ man H. f. rȝx B. ¹⁴ H. ¹⁵ rintpan B. ¹⁶ Dealban B. ¹⁷ mæẏar
B.H. ¹⁸ rȝ B.H. ¹⁹ G. unalýfebum B.G. unalýfebum H.
²⁰ fape B. ²¹ fram B.H. ²² B. ²³ unalýfebe B. unalýfebe H.

(r-ceac) occurs in the Longobardic law in the sense of theft: 'De furto aut schacho si ultra vi. solid. fuerit, similiter ut per pugnam veritas inveniatur præcipimus.' *Canciani*, i. p. 232. Again: 'Excepto homicidio, raptu virginum, roboria seu scacho.' *Du Cange*, in v. 'Scach.' In Old-Frisic, scac-raf is robbery in general, though most frequently used to denote a highway robbery: 'Hwasa deth en scac-raf, &c.: Whoever commits a robbery,' &c. *Lit. Brocm.* § 70.

^a As a specific allowance is named for the maintenance of the infant, the term 'ceorl' can hardly be translated 'husband' to meet the general expression of the rubric. Were it not very unlikely that a ceorl would be possessed of more than one dwelling-house, the word 'rrum-rcol' might be translated, in the language of our law-books, 'the principal mansion or capital messuage.' Perhaps his house of residence was thus called, to distinguish it from the out-buildings on the land.

^b The old Latin version reads: 'id est, rustici curtillum.' In a grant of Edward the Confessor's, An. 1061, to abbot Wulfwold, a

IN CASE LAWFULLY MARRIED PERSONS HAVE A
CHILD, AND THEN THE HUSBAND DIE.

38. If a 'ceorl' and his wife have a child between them, and the 'ceorl' die, let the mother have her child and feed it: let vi. shillings be given her for its fostering; a cow in summer, an ox in winter. Let the kindred take care of the * 'frum-stol' until it be of age.

OF GOING FROM HIS LORD WITHOUT LEAVE.

39. If any one go from his lord without leave, or steal himself away into another shire, and he be discovered, let him go where he was before, and pay to his lord lx. shillings.

OF A 'CEORL'S' 'C'LOSE.

40. A 'ceorl's' close ought to be fenced winter and summer. If it be unfenced, and his 'neighbour's cattle stray in through his own gap, he shall have nothing from the cattle: let him drive it out, and bear the damage.

²⁴ laforþe *B.* ²⁵ man geacryge *B.* - geaxie *H.* ²⁶ gylbe *B.* gerylle *H.*
²⁷ laforþe rýxtiz *B.* ²⁸ ciorler *H.* ²⁹ porðize *B.* peorðize *H.*
³⁰ peorði *B.* purðiz *H.* ³¹ pýntreþ *H.* ³² Lryf *B.* ³³ peceð *H.*
³⁴ nehhebureþ *B.* ³⁵ þæm *B.* ³⁶ nanriht *B.* ³⁷ hit *H.* ³⁸ *B.H.*
³⁹ æppýplan *B.* æppýþlan *H.*

part of the boundaries is thus described: 'anðlang rþreamer eft to Neceleforþa and butan þam twelf æcepar mæbe. þe liczað on ruð-healf pæger into þam þneom porþizan. hīr oppe to lære: along the stream again to Nettleford, and without the twelve acres of meadow, which lie on the south side of the way, into the three closes, for the pasture of his cattle.' In the body of the grant these closes are called 'agelli.' When transferred by Wulfwold to St. Peter's at Bath, the distinction between the meadow-land and the closes is thus clearly stated: 'anð þa feoþer porðiar æt Ĵrecþican. anð þa ækepar mæbe þe þar to gebýriað. anð on þuba anð on þelba. ꝥa micel ꝥa. þæt ic heafþe lær minan oppe anð minpa manna oppe: and the four closes at Ashwick, and the acres meadow appurtenant thereto, and by wood and by field, so much as would give me pasture for my cattle and my men's cattle.' C.C.C.C. cxi. p. 92.

* In the Welsh laws it is said: 'The owner must make his garden so strong that beasts cannot break into it; and if it be broken into, there can be no redress, except for the trespass of poultry and geese.' Wotton, p. 286.

BE BORLES 1ONDSALE.

XLII. ¹ Borþer ² mon mōt ³ oðracan ȝif he pāt þ he ⁴ rýht deð.

⁵ BE ⁶ LEORLES LÆRS-TUNE.

XLII. Líf ⁷ ceoplar ȝærþ-tun ⁸ hæbben ⁹ ȝemæanne. oþþe oðer ¹⁰ ȝeðāl^b land. to tynanne. ȝ hæbben ſume ȝetýneð ¹¹ hioþa ðæl. ſume ¹² næbben. ȝ * ¹³ etten ¹⁴ hioþa ȝemæanan ¹⁵ æceþar oþþe ȝærþ. ¹⁶ ȝān þa þonne þe þ ȝeat ¹⁷ aȝan. ȝ ¹⁸ ȝebete[n] ¹⁹ þam oðrum þe ²⁰ hioþa ðæl ²¹ ȝetýneðne ²² hæbben þone ²³ æ[r]þerðlan þe þær ²⁴ ȝeðon ²⁵ ȝie. ²⁶ ȝ ²⁷ abiddon ²⁸ him æt þam ceape ²⁹ ȝpīc ³⁰ rýht ȝpýlce hit ³¹ kýn ȝie. ³² Líf þonne ³³ hīȝþeþa ³⁴ hþelc ȝie þe ³⁵ hēȝar bnece. ȝ ȝa in ȝehpær. ȝ ȝe hit nolde ³⁶ ȝehealdan ȝe ³⁷ hit aȝe. oþþe ne mæȝe. nime ³⁸ ȝe hit on hīȝ æceþe ³⁹ mete ȝ ⁴⁰ oþrleā. ⁴¹ ȝ nime ȝe aȝen-⁴² ȝpūȝea hīȝ ⁴³ ȝel ȝ ȝlæȝc. ȝ ⁴⁴ þolie þær oðþer.

BE ⁴⁵ PUDU-BÆRNETTE.

XLIII. Ðonne ⁴⁶ mon beam on puða ȝorþæþne. ȝ ⁴⁷ peorþe ȝppe on þone þe hit ðýðe. ⁴⁸ ȝielde he ⁴⁹ ȝul pite. ⁵⁰ ȝeȝelle .LX. ȝcūf. ȝorþam þe ȝýr bið þeor. ⁵¹ Líf ⁵² mon ⁵³ aȝelle on puða ⁵⁴ pel ⁵⁵ moneȝa tȝeopa. ȝ ⁵⁶ ȝpýrð eft ⁵⁷ undieþne. ȝorȝielde .III. ȝtȝeopu ælc mid ⁵⁸ .xxx. ȝcūf. Ne þearf he ⁵⁹ hioþa ma ⁶⁰ ȝeldan. pæne ⁶¹ hioþa ȝpa ⁶² ȝela ȝpa ⁶³ hioþa pæne. ⁶⁴ ȝorþon ⁶⁵ ȝio ærc bið melda. ⁶⁶ naller þeor.

¹ andræce *B.G.H.* ² man *B.H.* ³ ætracan *H.* '— ȝýf *B.* ⁴ rihc *B.H.* ⁵ Be þan þe ceoplar habbað land ȝemæne and ȝærþtunaf *B.* ⁶ ciopler *H.* ⁷ cioplar *H.* ⁸ hæbban *B.* habban *H.* ⁹ ȝemæne *B.H.*; but originally ȝemæanne in *H.* ¹⁰ ȝafof land *H.* a. ȝeðal-land *super-scribed.* ¹¹ heoþa *B.H.* ¹² nabben *H.* ¹³ hēoþa *B.H.* ¹⁴ aceþar *B.* ¹⁵ *E.H.* ¹⁶ aȝon *B.H.* ¹⁷ ȝebete *E.* ¹⁸ þæm *B.H.* ¹⁹ hēoþa *B.H.* ²⁰ ȝetýneð *B.* betýneð *H.*; orig. betýneðne. ²¹ habben þonne *H.* ²² æppýnðlan *B.H.* ²³ *H.* ²⁴ ȝý *B.H.* ²⁵ not in *H.* ²⁶ abiddon *B.* ²⁷ heom *B.H.* ²⁸ ȝpýlc *B.H.* ²⁹ rihc *B.* '— ȝpýlc *H.* ³⁰ cýn ȝý *B.* cýnn — *H.* ³¹ Líf *B.* ³² hīȝþeþa *H.* ³³ hþilc ȝý *B.* ȝehpýlc — *H.*

^a This is: 'Don mot borþer onracan,' &c. The Welsh laws allow the same privilege to a person sued as surety: 'If the surety wish to deny his bail, the denial is made as follows.' The form is then given. Wotton, p. 147.

^b It would seem to have been the custom to make the meadowland appurtenant to the arable land, and to have granted it as a tenancy in common. Thus in one of the Worcester charters, on de-

OF DENIAL OF 'BORH.'

41. A man may make denial of * 'borh,' if he know that he does right.

OF A 'CEORL'S' MEADOW.

42. If 'ceorls' have a common meadow, or other ^bpartible land to fence, and some have fenced their part, some have not, and * eat up their common corn or grass; let those go who own the gap, and compensate to the others, who have fenced their part, the damage which there may be done, and let them demand such justice on the cattle as it may be right. But if there be a beast which breaks hedges and goes in everywhere, and he who owns it will not or cannot restrain it; let him who finds it in his field take it and slay it, and let the owner take its skin and flesh, and forfeit the rest.

OF WOOD-BURNING.

43. When any one burns a tree in a wood, and it be found out against him who did it, let him pay the full 'wite;' let him give LX. shillings, because fire is a thief. If any one fell in a wood a good many trees, and it be afterwards discovered; let him pay for III. trees, each with xxx. shillings. He need not pay for more of them, were there as many of them as might be; because the axe is an informer, not a thief.

34 ^c B. 35 *gehealben H.* 36 *pe H. add.* 37 *je pe B. jepe H.* 38 *ge-*
mete H. 39 ^c E. ^c B. 40 ^c not in B. 41 *ƿiȝa B.H.* 42 ^c not in B.H.
 43 *polȝe H.* 44 *ƿuða H.* 45 *ƿuða E. ƿuðe bæpnete B.* 46 *man H.*
 47 *ƿȝrðe B. ƿurðe H.* 48 *ȝylbe B. ȝylbe H.* 49 *fullȝite B.H.* 50 *anð*
ȝerȝlle H. ȝerȝlle ȝȝxtȝ B. 51 *Lȝȝ B.* 52 *man H.* 53 *aȝȝlle B.*
 54 *aȝȝlleð H.* 55 *pell B.* 56 *manȝe H. manȝa ȝpeope B.* 57 *ƿurð*
ȝæt B. 58 *unðȝpne ƿorȝȝlbe ȝpeo B. - ƿorȝȝlbe - H.* 59 *ȝȝlban B.*
 60 *ȝȝlban B.H.* 61 *heopa B.H.* 62 *heopa B. nan H. add.* 63 *ȝȝlban B.*
 64 *ȝȝlban B.* 65 *ȝeo eaz B. - æx H.* 66 *nalæȝ B.H.*

missing a hide of land for three lives, it is said: 'ƿonne ȝebȝpað ȝe ƿiȝa æcep ȝæpe ðal-mæðue to ȝæpe hiðe: then belongeth the fifth acre of the partible-meadow to that hide.' *Heming. Chart. f. 72.*

^c There is here apparently an omission, from the inattention of the transcriber, and which may be supplied in words to this effect: 'anð ƿecen heopa neahȝebupeȝ ceap in: and their neighbour's cattle stray in and eat,' &c., as in c. 40. above.

BE ÞUDA ¹ONFENLE BUTAN LEAFE.¹

XLIV. ²ḡif ³mon þonne aceorfe an tpeop þ ⁴mæge. ⁵.xxx. ⁶ƿina ⁷under-geƿtandan. ⁸ƿ ⁹þýrð ¹⁰undieƿne. ¹¹geſelle .lx. ¹²ƿcilt.:

¹³a ¹⁴ḡafol-hƿitel ƿceal beon æt ¹⁵b hƿiƿce ¹⁶.vi. ¹⁷ƿæninga ƿeopð.:

BE ¹⁸BURF-BRYLE.

XLV. ¹⁹Burf-bryce mon ƿceal betan ²⁰.c.xx. ƿcilt. ²¹ký-
ningeƿ. ²²ƿ ²³býceƿeƿ þæƿ hƿ ƿice bið. ²⁴Ealðoƿmonneƿ
²⁵.lxxx. ƿcilt. ²⁶Lýningeƿ ²⁷þeƿneƿ .lx. ƿcilt. ²⁸ḡeƿiðcundeƿ
²⁹monneƿ lanð-hæbbendeƿ ³⁰.xxxv. ƿcilt. ³¹ƿ ³²b1 þon ³³anƿacan.:

BE ³⁴STÆL-TYPTLAN.

XLVI. ³⁵Donne ³⁶mon monnan betýhð þ he ceap ³⁷foƿƿtele-
oƿþe ³⁸foƿƿtolenne ³⁹geƿeopmie. þonne ƿceal he be ⁴⁰.lx. ⁴¹hýða
onƿacan ƿæne ⁴²þieƿðe ⁴³ḡif he að-⁴⁴þýrðe bið. ⁴⁵ḡif þonne
Englƿe ⁴⁶onƿtāl^c ⁴⁷ḡa foƿð. ⁴⁸onƿace þonne be tƿý-ƿealdum.
⁴⁹ḡif hit þonne bið ⁵⁰þilƿe ⁵¹onƿtāl. ne bið ƿe að ⁵²na ⁵³þe
⁵⁴maƿa.

¹ anðfenge *H.* 'anſenge *B.* ² man *H.* ³ þƿiƿtiƿ *B.* ⁴ underƿtandan *B.* ⁵ ƿupð *B.* ⁶ unbýpne *geſýlle ƿýxtiƿ B.H.* ⁷ ƿýx *B.* ⁸ penega ƿupð *B.* peninga ƿýrð *H.* ⁹ burh- *B.G.H.* -bpece *G.* ¹⁰ Burh-
-man *B.H.* ¹¹ hunð-tƿelftiƿ *B.* mið .c.xx. *H.* ¹² cýningeƿ *B.H.* ¹³ býceoppeƿ *B.* býceoppeƿ *H.* ¹⁴ Ealðoƿmanneƿ *B.* Ealðeƿmanneƿ *H.* ¹⁵ mið hunð-eahtatiƿ ƿeillingaƿ *B.* ¹⁶ þeƿnaƿ ƿiƿti *B.* ¹⁷ manneƿ

^a If it could be shown that this passage originally had any connection with the preceding law, it would be natural to infer that the 'whittle' here spoken of was a knife, paid in the place of rent, and perhaps for permission to cut wood in the lord's forest. But these supplementary passages are often inserted very arbitrarily. The term 'hƿitel' also meant a garment. [In Gen. ix. 23. the passage, 'and Shem and Japheth took a garment,' &c., is rendered, ' ðýðon an hƿitel on hƿa ƿcúlþa.' In the Latin versions this enactment is omitted.—*T.*] And in the continental documents frequent mention is made of the 'camisiles, sarciles,' which were made by the 'ancillæ' and wives of the 'coloni, tributarii,' (ḡafol-ḡýlþan,) as prestations to the lord. A charter of the monastery at St. Galle (An. 809,) mentions a rent consisting of thirty-five measures (muc) of corn, or six sarciles. The price of corn at the period shows the value of the sarcile to have been sixpence, rather a large sum it is presumed for a woodman's knife. The following illustrations are from the Codex Laurishermensis, tom. iii. 'Ancillæ ad eadem hur-

OF TAKING WOOD WITHOUT LEAVE.

44. But if any one cut down a tree under which xxx. swine may stand, and it be discovered, let him pay lx. shillings.

A ^a ‘gafol-hwitel’ from a ^b ‘hiwisc’ shall be worth vi. pence.

OF ‘BURG-BRYCE.’

45. ‘Bōt’ shall be made for the king’s ‘burg-bryce,’ and a bishop’s, where his jurisdiction is, with cxx. shillings; for an ealdorman’s, with lxxx. shillings; for a king’s thane’s, with lx. shillings; for a ‘gesithcund’ man’s having land, with xxxv. shillings: and according to this make the legal denial.

OF THEFT-CHARGE.

46. When a man charges another that he steals, or harbours stolen cattle, then shall he deny the theft with lx. hides, if he be oath-worthy. If, however, an English ^c ‘onstal’ come forward, let him then deny it with twice as many. But if it be a ‘Wilisc’ ‘onstal,’ the oath shall not be the greater.

B.H. ¹⁸ fīf anð xxx. *B.* ¹⁹ bið^{am} *B.* byð on *H.* ²⁰ onſacan *B.* ²¹ ſcal-tihclan *B.* ſcal-tihlan *G.* ſcal-týhtlan *H.* ²² man mon *H.*; but *orig.* monnan. ²³ ſopſcæle *B.H.* ²⁴ ſopſcolene *B.* ²⁵ ȝeſeopmige *H.* ²⁶ fīxti *B.* ²⁷ hība *H.* ²⁸ ætſacan *D.* ²⁹ peoðe *B.* pýðe *H.* ³⁰ anðpýpbe *B.* ³¹ Lýf *B.* ³² mon ſcalað *B.* ³³ ætſace *B.* ³⁴ Lýf *B.* ³⁵ pýlſc *B.* ³⁶ *H.* ³⁷ not in *H.* ³⁸ *B.* ³⁹ mape *B.*

bas pertinentes faciunt singulæ camisile lx. ulnarum in longo v. in lato de opera dominica’ (the lord finding the materials), p. 178.; ‘camisile unum de opera sua,’ p. 197.; ‘viii. pannos ex dominico lino et xi. ex proprio,’ p. 219. See Anton’s Wirthschaft, i. p. 345.

^b The translation of this word must depend upon the context; ‘hīpſc’ meant both a hide of land and a family. [Mr. Price had rendered this obscure enactment thus: ‘A gafol-hwitel for a hiwisc,’ &c.; but conceiving that its object is to fix the ‘angilde’ of a ‘gafol-hwitel,’ or the rate at which it may be compounded for as ‘gafol,’ I have ventured to translate æt by its more usual signification, *from*.—*T.*]

^c Judging from the context, this appears to be the root of the verb onſcælan, accusare; but in what an English onſcal consisted is no where laid down. The meaning of the law seems to be this: ‘If a man were accused in the ordinary way, he might wage his law with sixty hides; but if the prosecutor were an Englishman, and that particular form of process called an ‘onſcal’ was either adopted or

Ælc ¹mon mot ²onracan ³ſſýmðe^a ƿ ƿep-ſæhðe ƿif he
⁴mæg oþþe ⁵ðearp.

BE ⁶ÐON ÐE ⁷MON FORSTOLENNE ⁸LEAP BEFEPÐ.

XLVII. ⁹Liſ ¹⁰mon ¹¹forſtolenne ceap befehð. ne mot ¹²hine
¹³mon ¹⁴tieman to ¹⁵þeopum men:.

BE ƿITE-ÐEOPUM ¹⁶MANNUM.

XLVIII. ¹⁷Liſ ¹⁸hpele man' bið ¹⁹ƿite-þeop nƿan ƿeþeopað.
ƿ hine ²⁰mon ²¹betýhð þ he hæbbe ær ²²ƿeþeopað ær hine
mon ²³ƿeþeopode. þonne ah ƿe teonð ane ²⁴ſſingellan æt hím.
bedrife hine to ²⁵ſſingum ^bbe hiſ ceape:

²⁶BE UNALIEFEDES MÆSTENNES ONFENLE.

XLIX. ²⁷Liſ ²⁸mon on hiſ mæſtene ²⁹unalieped ſſin ƿemete.
ƿenume þonne ³⁰.vi. ſcill. ³¹peopð ³²ped. ³³Liſ ³⁴hie þonne
þær ³⁵næpen oſtor þonne æne. ³⁶ƿeſelle ænne ſcilling ƿe ægen-
³⁷ſſýgea. ƿ ƿecýðe þ ³⁸hie þær oſtor ³⁹ne ⁴⁰comen' be þær
ceapeſ ⁴¹peopðe. Liſ' hi þær ⁴²tuſa ⁴³þæpen. ƿeſelle' tpegen
ſcill.

⁴⁴Liſ ⁴⁵mon nime ⁴⁶æſerne^c on ⁴⁷ſſýnum. æt þſý-ſingnum ⁴⁸
þ þriðde. æt tſý-ſingnum þ peopðe. æt þýmelum þ ſſſſte:

¹ man *H.* ² ætſacan *B.* ³ ſſýmðe *B.H.* ⁴ mæge *B.* mægð *H.*
⁵ ðearp *B.H.* ⁶ *B.* ⁷ þam *H.* ⁸ man *G.H.* ⁹ *H.*; *no rubric in B.*
⁹ Liſ *B.* ¹⁰ man *H.* ¹¹ forſtolene *B.* ¹² *B.* ¹³ man *H.* ¹⁴ týmon
B. týman *H.* ¹⁵ þeopan *B.* ¹⁶ *B.* menn *H.* ¹⁷ mannum *B.H.* men *E.*
¹⁷ Liſ *B.* ¹⁸ hſýlc *H.* ¹⁹ *B.* ²⁰ man *H.* ²¹ betýh *B.*
²² ƿeþeopað *B.H.* ²³ ƿeþeopode *B.H.* ²⁴ ſſingellan *B.H.* ²⁵ ſſinglum
B.H. ²⁶ Be unalýfedum mæſtenum anbſenege. *B.* unalýfeþeſ mæſ-

necessarily arose, then the compurgators were to be doubled. If a Welshman were the prosecutor, &c. then sixty hides (which were, perhaps, twice as many as would be required in a defence against him in common cases) would be sufficient.' In the Frisic law, 'oenbring,' a term equivalent to onſtal in an etymological sense, is of frequent occurrence. This Mr. Wiarda conceives to be the same with the *delatura* of the Salic law, in the usual form of action. [May not onſtal signify 'an accuser'?—*T.*]

^a The former of these is probably the offence which in the later documents is called *plýmene-ſſýmðe*. On a charge of this kind, and of *ƿep-ſæhðe*—slaying a man in prosecution of the deadly feud—a man is hereby permitted to wage his law. There seem to have been some offences, such as sacrilege, &c., where this was not permitted.

Every man may deny ^a ‘frymth’ and ‘wer-fæhthe,’ if he can or dare.

IN CASE A MAN ATTACH STOLEN CATTLE.

47. If a man attach stolen cattle, the party may not vouch a ‘theowman’ to the warranty of it.

OF ‘WITE-THEOWMEN.’

48. If any man be a ‘wite-theow’ newly made a ‘theow,’ and he be accused that he had before thieved, ere he was made a ‘theow,’ then may the accuser have one scourging at him: let him follow him to the scourging ^b according to his value.

OF TAKING UNALLOWED MAST.

49. If a man among his mast find unallowed swine, then let him take a ‘wed’ of vi. shillings value. If, however, they have not been there oftener than once, let the owner pay a shilling, and let him prove that they came there not oftener, according to the value of the beasts. If they have been there twice, let him pay two shillings.

If ^c pannage be taken for swine, of those three fingers thick in fat, the third; of those two fingers, the fourth; of those a thumb thick, the fifth.

tener. *H.* ²⁷ Lȳf. *B.* ²⁸ man *H.* ²⁹ unalȳres *B.H.* ³⁰ rȳx *B.*
³¹ purð *B.* ³² pebb *H.* ³³ Lȳf. *B.* ³⁴ hi *B.H.* ³⁵ næpon *B.H.*
³⁶ gerylle *B.H.* ³⁷ friga *B.H.* ³⁸ hi *B.* ³⁹ hȳ *H.* ^{39'} næpon *H.*
⁴⁰ comon *B.* ⁴¹ rȳrðe *H.* ⁴² Lȳf. *B.* ⁴³ friga *H.* ^{43'} næpon gerylle
B.H. ⁴⁴ Lȳf. *B.* ⁴⁵ man *H.* ⁴⁶ æberne *B.H.* ⁴⁷ rȳnum *B.H.*
⁴⁸ rȳc *B. add.*

^b [Though Mr. Price's version agrees with that in Bromton, who has ‘secundum capitale suum,’ yet I doubt whether hȳr should not be rendered by ‘its,’ with reference to the property stolen.—*T.*]

^c This is the pasn-agium of the Latin documents; the obes (æf-es-en), fructus, of Upper Germany. With a modification common to the times approaching the Conquest, it is found in Edward the Confessor's grant of Cealchythe to St. Peter's at Westminster: ‘mib mæbe and mib læfe. mib mæfte and mib ævejan . . . And ic an heom eft ealra þæt hȳ habben þæporep jaca and rocna . . . and ealle oðre gepihta on eallum pingum þe þar upp arppungað. And eac rȳlce to þeorum lanbe mib fullan freobome ic ann þæt þriððe tpeop and þæt rȳn of ævejan :—with meadow and with pasture, with mast and with pannage. . . And I grant unto them also, that they have

BE LESIDLUNDES MONNES LÆDINLE.

L. ¹Līf ²geriðcund ³mon þingað pið ⁴cýning. oþþe pið ⁵kýningeſ ealðorþmannan. for hiſ ⁶innhiſan. oþþe pið hiſ hla-
forð for þeope oþþe for fſiſe. nah he þær ⁷nane ⁸riteſæðenne-
ſe gerið. forþon ⁹he him nolde ¹⁰æſ ¹¹ýflef ſeſſeſan æt
ham:

BE ¹¹ÐON ÐE LESIDLUND MÆN ¹²FYRDE FORSITTE.

LI. ¹³Līf ¹⁴geriðcund ¹⁵mon land-aſenbe forſitte ¹⁶fýrde.
¹⁷ſeſſe .c.xx. ſeſſe. 7 ¹⁸þolie hiſ landeſ. ¹⁹unlandaſenbe ²⁰.lx.
²¹ſeſſe. ²²Leofliſe .xxx. ſeſſe. to ²³ſeſſeſeſe:

BE ²⁴DIERNUM LÆDINLE.

LII. Seſe ²⁵diernum ²⁶ſeſſeſeſe ²⁷betýſen ſe. ſeſſeſeſe
hine be ²⁸.c.xx. hīda ²⁹þara ³⁰ſeſſeſeſe. oþþe ³¹.c.xx. ſeſſe.
³²ſeſſeſeſe:

BE FORSTOLENES ³²MONNES FOREFONLE.

LIII. ³³Līf ³⁴mon forſtolenne man beſe æt oðrum. 7 ³⁵ſe
³⁶ſe honð ³⁷oðſeſeſe ³⁸ſeſſeſeſe þam men þe hine ³⁹mon
ætbeſeſeſe. ⁴⁰ſeſſeſeſe þonne þone ⁴¹mon to ⁴²þær deaðan

¹Līf *B.* ²man *H.* ³cýnſ *B.* ⁴cýnſeſe ealðorþmannum *B.* hiſ
ealðorþmannum *H.* ⁵innhiſum *H.* ⁶nan *H.* ⁷riteſæðbene *B.*
⁸þe *H. add.* ⁹*B.* ¹⁰ýflef ſeſſeſeſe *B.H.* ¹¹þam *B.H.* þan *G.*
¹²fýrð *G.* fýrðe *B.H.* ſeſſeſe *E.* ¹³Līf *B.* ¹⁴ſe ſeſſeſeſe *B.*
¹⁵man *B.* mann *H.* ¹⁶fýrðe *B.H.* ſeſſeſe *E.* ¹⁷ſeſſeſeſe *H.* '—hunð-
ſeſſeſeſe *B.* ¹⁸þolieſe *B.H.* ¹⁹landaſenbe *H.* ²⁰ſeſſeſe *B.* ²¹ſeſſe-
linſa *H.* ²²Leofliſe *H.* '—þeſſeſeſe *B.* ²³ſeſſeſeſe *B.* fýrðe *H.*

thereover sac and soen . . . and all other rights in all things which
there upspring. And moreover, with this land in full freedom, I
grant the third tree and the pannage hog.'

^a The Latin versions render this 'forisfactura expeditionis'—the
fine paid for neglecting to obey the summons to the field.

^b These secret compositions are forbidden by nearly every early
code of Europe; for by such a proceeding both the judge and the
crown lost their profits. The Capitulary of 593 puts the receiver of
a secret composition on a level with the thief: 'Qui furtum vult
celare, et occulte sine iudice compositionem acceperit, latroni similis
est.' At a later period, the maxim in France was, 'Celui qui avant
quite se méfait,' which M. Lauriere illustrates by the following
extract from the Coutume des Bourbonnois: 'Si le denonciateur ou

OF A 'GESITHCUND' MAN'S COMPOUNDING A SUIT.

50. If a 'gesithcund' man compound a suit with the king or with the king's 'ealdorman' for his household, or with his lord for bond or for free; he, the 'gesith,' shall not there have any 'witeræden,' because he would not correct him before of his evil deeds at home.

IN CASE A 'GESITHCUND' MAN NEGLECTS THE
'FYRD.'

51. If a 'gesithcund' man, owning land, neglect the 'fyrd,' let him pay cxx. shillings and forfeit his land; one not owning land, lx. shillings; a 'ceorlish' man, xxx. shillings; as ^a 'fyrd-wite.'

OF PRIVATE COMPOSITION.

52. Let him who is accused of ^bsecret compositions clear himself of those compositions with cxx. hides, or pay cxx. shillings.

OF SEIZING A STOLEN MAN.

53. If any one attach a stolen man in another's possession, and the hand be dead which sold him to the man in whose possession he is attached; then let him ^cvouch the tomb of the

²⁴ *býpnum G.H.* ²⁵ *býpnunze þincðe B.* ²⁶ *býpnum H.* ²⁷ *—zepingðum B.* ²⁸ *betogen rý zeclænþe he B.* ²⁹ *—zelabie H.* ³⁰ *hunb-þelf-
tægum B.* ³¹ *þæpa H.* ³² *þingz B.* ³³ *zepingz H.* ³⁴ *hunb-þelftæg B.*
³⁵ *gerýlle B.H.* ³⁶ *manner fopþenge. B.H.* ³⁷ *Lyf B.* ³⁸ *man B.H.*
³⁹ *rý reo hanb B.H.* ⁴⁰ *acpolon B.* ⁴¹ *þe B.H.* ⁴² *not in H.*
⁴³ *tyme B.H.* ⁴⁴ *man B.H.* ⁴⁵ *þæpe býpþenne þær beaban manner H.*

accusateur compose ou appointe, pendant le procès, avec l'accusé, et rapport proufit d'iceluy appointment, l'accusé est tenu en l'amende envers le seigneur justicier; et si l'accusé ne rapporte proufit d'icelui appointment, ou ne baille aucune chose à l'accusant ou dénonçant; le dit accusant ou dénonçant est tenu en l'amende.' *Loisel*, liv. III. tit. i. § 7. In Friesland, the judge was to be privy to the composition: 'And hwasæ telt opp ane ende sin redieua skal thet wita: And if any one treat for a composition, his judge shall know it.' And even now, in our own law, the rule is to obtain the sanction of the court for permission 'to speak with the prosecutor,' and thus terminate the suit by compounding the affair in private.

^c This practice of citing the dead to warranty is common to the laws of Germany and Scandinavia: 'Olim si quid a quo vel apud

¹býrgelre. ʳ ʒpa oðer ²ʒioh ʒpa ³[hpeðer ʒpa] hit ⁴ʒie. ʒ cýðe on ⁵þam aðe be ⁶.lx. hída. ʳ ʒʒio ðeade ⁸honð hine him ʒealde. Donne hæfð he ʒ ʒite aʒýlled mið ⁹þý aðe. ʒ ¹⁰aʒife þam ¹¹aʒenð-¹²ʒʒio þone ¹³monnan. Lɿʒ he ¹⁴þonne ʒite ¹⁵hʒā þær ðeadan ¹⁶ieʒʒe hæbbe. ¹⁷ʒieme þonne to ¹⁸þam ¹⁹ieʒʒe. ʒ biððe þa ²⁰hōnd þe ʒ ²¹ieʒʒe haʒaðʳ ²²þ he him ²³ʒeðð þone ceap ²⁴unbecearne. oþþe ʒecýðe ʒ ʒe ²⁵ðeada næʒʒe ʒ ²⁶ieʒʒe ahte:.

BE ²⁷PER-FEPÐE-²⁸TYPTLAN.

LIV. Seþe bið ^apep-ʒæhðe betogen. ʒ he ²⁹onʒacan pilleʳ þær ³⁰ʒleʒer mið aðe. þonne ʒceal ³¹bion on þæʒe ³²hýndenne^b an cýning-³³[æðe] be ³⁴.xxx. hída. ʳ ʒpa be ʒerþcundum men ʒpa be ³⁵cierliʒcum. ʒpa ³⁶hʒæðer ʒpa ³⁷hit ³⁸ʒie. Lɿʒ hine ³⁹mon ⁴⁰ʒilt. þonne moʒ he ⁴¹ʒerellan onʳ ⁴²þaʒa hýndenna

¹ býrgenne B. ² ʒeoh B.H. ³ B.H. ⁴ ʒý B.H. ⁵ þem B. þæm H. ⁶ ʒeopʒiz B. ⁷ ʒeo B.H. ⁸ hanð B.H. ⁹ þi B. ¹⁰ anð H. add. aʒife B. ¹¹ aʒen H. ¹² ʒʒeo B. ʒʒize H. ¹³ man H. ʳ-Lɿʒ B. ¹⁴ þanne H. ¹⁵ B. ¹⁶ ʒʒʒe B.H. ¹⁷ ʒýme B.H. ¹⁸ þæm H. ¹⁹ ʒʒʒe B.H. ²⁰ hanð H. B. ²¹ ʒʒʒe B. ʳ-haʒað H. ²² þe B. ²³ B.E.H. ²⁴ unbeʒacene B.H. ²⁵ ðeabe B. ²⁶ ʒʒʒe B.H. ²⁷ pep-

quem esset actum, huiusque rei testimonium propter mortem ejus haberi jam non posset; solebant ire ad sepulcrum et cum jurejurando etiam consacramentalium fidem defuncti contestari. Quæ dicebatur *contestatio super sepulcrum, s. super fossam mortui, super mortuum, super os mortui.* Jus Prov. Alem. c. vii. § 2. ‘*Die schulde, die man niht en waizz, die sol man ERZUGEN UF DEN TOTEN MANN sell sibender.*’ Ea debita, de quibus non constat, probari debent septima manu, super mortuum debitorem.’ c. viii. § 3. ‘*Ist aber dechain schulde UF DEN TOTEN MAN ERZUGET so büzzen auch die erben niht.*’ c. cclxxxvi. § 3. ‘*Ist er aber ir friunt worden und mag man daz BEHABEN HINTZ DEM TOTEN MANNE mit siben mannen so ist er ledig gen dem erben und gen dem rihter.*’ Si autem defunctus cum lædente transegerit, aut alio modo amice res composita fuerit, idque super defunctum probari possit per septem testes, lædens ad nihil tenetur heredibus aut judici.’ *Haltaus, in voc. GRAB.* In the old Swedish law it is said: ‘*Han skal biudha bot a grawarbacka: Mul-tam occisor offeret super tumulo mortui.*’ *Upl. L. Mont. B. c. 7.* Upon which Ihre observes: ‘*Mos erat veterum, apud sepulcra jus-jurandum edere, et istiusmodi actus, qui aliquo modo defunctum illiusve actiones tangebant.*’ *Lex Suio-Goth. in voce GRAB.*

^a In these dooms, offences involving the penalty of the ‘were’ appear to have this term prefixed to their designation. Thus, in c. 71, we have ‘*pep-cihcla,*’ and c. 72, ‘*pepʒilb þeop.*’

dead to warranty of the man, in like manner with other property whatsoever it may be; and with the oath of LX. hides let him declare that the dead hand sold him to him. Then has he abated the 'wite' with that oath: and let him give up the man to the owner. But if he know who has the property of the dead, let him then vouch the property to warranty, and demand of the hand which has that property, that he make the chattel uncontestable to him; or prove that the dead man never owned that property.

OF CHARGE OF 'WER-FÆHTHE.'

54. He who is charged with ^a 'wer-fæhthe,' and he is willing to deny the slaying on oath; then shall there be in the ^b 'hynden' one ^c king's oath of xxx. hides, as well for a 'gesithcund' man as for a 'ceorlish' man, whichever it may be. If he be found guilty, then may he give to any one of the

fæhte G. ²⁸ cūhlan B. cūhtlan G.H. ²⁹ æt racan pýlle B. ³⁰ plæger B. ³¹ beon B.H. ³² hýnsene B. ³³ B.H. æbe E. ³⁴ þpittuz B. ³⁵ ceoplycum B. cýpþlycum H. ³⁶ hpeðen B. ³⁷ B. ³⁸ rý H. '— Lýt B. ³⁹ man H. ⁴⁰ zýlt B.H. ⁴¹ zepýllan B. '— ān H. ⁴² pæpa B.H.

^b It has been already observed, that the hynden consisted of ten persons, and, like hynde, in the words twy-hynde, six-hynde, twelf-hynde, appears to have been formed from hund, of which the original meaning was ten. The hynden, therefore, will correspond to the *turba* of the Civil Law (quia turba decem dicuntur. *Lege Prætor.* 4. § *Turbam*), the *tourbe* of the French Coutumes: 'Coutume si doit veresier par deux tourbes et chacun d'icelles par dix temoins.' *Loisel*, liv. v. tit. 5. c. 13.

^c According to the treaty between Alfred and Guthrum: 'If any one accused a thane of less degree than a king's thane, he was to clear himself with eleven of his equals, and with one king's thane.' c. 3. It would be natural to offer such an interpretation of the king-oath in this law; but by c. 19, a king's geneat, whose were was 1,200s., might swear for sixty hides, and here the oath of the party is only of thirty hides. If, however, the principle of both laws be the same, we may venture perhaps, in the present instance, to substitute c.xx. for xxx., and thus make the whole system of the 'pumað' intelligible, by showing an agreement in all the details. We should then have the oath of a king's thane equivalent to one hundred and twenty hides, or 120s., the highest wite occurring in these dooms; the oath of a less thane equal to sixty hides, or 60s., the next greatest wite; and the oath of a six-hynde equal to thirty hides, or 30s., the lowest wite.

¹zehpelcepe. ²monnan y ³byrnan y rpeorþ on þ ⁴per-gilb. 3yf he ⁵þýrfe.

ƿite-þeorne ⁶monnan ⁷þýlrcne mon' rceal bedruan be tpef ⁸hidum. rpa þeorne. to ⁹rpingum. Englircne be ¹⁰þeopeþ ¹¹y þrutu ¹²hida:.

BE 11EPES 12PEORDE.

LV. ¹³Epe bið mid hipe ¹⁴giunge rceape rcuif. peorð. oþþæt ¹⁵[.xiiii.] niht ofer ¹⁶Eartpan:.

BE 17LEPPELLES LEAPES 18ANLELDE.

LVI. ¹⁹Liþ ²⁰mon hpelcne' ceap zebýgeð. y he þonne ²¹on-
finde him ²²hpelce unhælo' on ²³binnan .xxx.' nihta. þonne
peorpe ²⁴þone ceap to ²⁵honða ²⁶. oþþe ²⁷rperuge þ he him nan
²⁸racn on nýrte þa he hine him realde:.

BE 29LIERLISLES 30MONNES 31STALE.

LVII. ³²Liþ ³³ceorl ceap ³⁴forrtelð. y ³⁵bipeð into hir
³⁶ærne. y ³⁷befehð ³⁸[hit] þær-inne ³⁹mon. þonne bið ⁴⁰re hir
ðæl ⁴¹ýnnig. butan þam ƿife anum. ⁴²forþon heo rceal hipe
⁴³ealðore hieran. ⁴⁴Liþ ⁴⁵hio ðear mid aðe gecýðan þ heo
þær forrtolenan ne onbite. nime hipe ⁴⁶þruddan ⁴⁷rceat:.

48 BE OXAN ÞORNE.

LVIII. Oxan hoþn bið ⁴⁹.x. pæninga peorð:.

¹ zehþýlcepe *B.* zehþýlcepe *H.* ² monna *B.E.H.* ³ perþýlb *H.* '— 3yf *B.* ⁴ þurfe *B.H.* ⁵ man *H.*; but orig. monnan. ⁶ þýlrcne man *B.H.* ⁷ hýnbum *B.* ⁸ rpinglum *B.H.* ⁹ þeopær anb xxx. *B.* xxxiiii. *H.* ¹⁰ hýða *B.* ¹¹ eope *B.* eopeþ *G.H.* ¹² þýrðe *B.H.* ¹³ Eoru *B.* e superscribed *H.* ¹⁴ zeonge *B.* zeongan *H.* ¹⁵ xii. *E.* þeopertýne *B.* ¹⁶ xiiii. nýht *H.* ¹⁷ Eartpan *B.H.* ¹⁸ zehþýlceþ *B.G.* zehþýlceþ *H.* ¹⁹ þýrðe *B.* anýlde *G.H.* ²⁰ Liþ *B.* ²¹ man hþýlce *H.* ²² aþne *B.* ²³ on hþýlce *H.* ²⁴ hþýlce unhæle *B.* ²⁵ binnon *H.* '— þrutu *B.* ²⁶ he *H.* add. ²⁷ hanða *B.* ²⁸ þam rýllenbe *B.*

^a This seems a provision similar to that of the Riparian law: 'Si quis wergildum solvere debet . . . spatam cum scogilo pro septem solidis tribuat . . . bruniam pro duodecim solidis tribuat, &c. Quod si cum argento solvere contigerit pro solido duodecim denarios sicut antiquitus est constitutum.' Tit. xxxvi. cc. 11, 12. In like manner it is said in the Conqueror's laws: 'en la were purra il

‘hyndens,’ a ^a man and a coat of mail and a sword, in the ‘wer-gild,’ if he need.

A ‘Wylisc wite-theowman’ shall be followed up with twelve hides, like a ‘theow,’ to the scourging; an English, with ^b four and thirty hides.

OF A EWE’S WORTH.

55. A ewe with her young sheep shall be worth a shilling, until xiv. days after Easter.

OF THE ‘ANGYLDE’ OF ALL KINDS OF CATTLE.

56. If a man buy any kind of cattle, and he then discover any unsoundness in it within xxx. days; then let him throw the cattle on his hands, or let him swear that he knew not of any unsoundness in it when he sold it to him.

OF A ‘CEORLISH’ MAN’S STEALING.

57. If a ‘ceorl’ steal a chattel, and bear it into his dwelling, and it be attached therein; then shall he be guilty for his part, without his wife, for she must obey her lord. If she dare to declare by oath that she tasted not of the stolen property, let her take her third part.

OF AN OXES HORN.

58. An oxes horn shall be worth x. pence.

add. ²⁷ƿeƿe *B.* ²⁸ƿacen *H.* ²⁹cýphƿeƿ *B.G.* cýphƿeƿ *H.*
³⁰manner *B.G.H.* ³¹cale *G.* ³²Lýf *B.* ³³cioƿl *H.* ³⁴ƿoƿƿeýlð *B.*
 ƿoƿƿeýlð *H.* ³⁵beƿeð *B.* býrð *H.* ³⁶hufe *H.* 1. æpne *superscribed.*
³⁷man *B. add.* ³⁸anð hit man ƿæp inne beƿeðð *H.* hit *B.* ³⁹not
 in *B.* ⁴⁰not in *B., and erased from H.* ⁴¹ƿeýlbiz *H.* ƿinniz *B.*
 ƿeýlbiz *superscribed.* ⁴²ƿoƿƿan *B.H.* ⁴³ealþne hýpan *B.* hlaƿoþe
 – *H.* ⁴⁴Lýf *B.* ⁴⁵heo *B.H.* ⁴⁶þæne ƿuððan ðæl þæne æhta *B.*
⁴⁷geƿceab *H.* ⁴⁸no rubric in *B.* ⁴⁹ƿeoƿeƿtýne peningza ƿuðð *B.*
 teon – ƿýrðe *H.*

rendre cheval ki ad la coille pur xx. soġ, e tor pur x. soġ, e aver pur v. solz.’ c. 8. *Holkham ms.*

^b The relative distinctions observed throughout these dooms between the degrees of a Wealh and an Englishman make it more than probable that we ought to read ƿeoƿeƿ anð xx.

^c If the rubric be correct, angelbe, in this place, must mean either the return of the goods, or the money paid for them.

BE ¹LUUS ÞORNE.

LIX. ² Lúu-horn ³ bið ⁴ tpegea ⁵ pæninga' ⁶ [purð.] Oxan
tægð bið ⁷ rcill. peorð. Luur' bið ⁸ rifa ⁹ [penega.] Oxan eage
bið rir ¹⁰ p. peorð.' ¹¹ Eur bið ¹² rcill. peorð.'

Qon rceal ¹³ rymle to bepe-garole ¹⁴ agiran æt anum ¹⁵ pýphcan
¹⁶ rix ¹⁷ pund-pæga:.'

BE ¹⁷ÞYR-LEOPTTE.

LX. Se ¹⁸ ceopl reþe hæfð' oðner ¹⁹ geohc ²⁰ ahýrod. ²¹ gýf he
hæbbe ealle on roðne to ²² agiranne. gerceapige mon. ²³ agife
ealle.' ²⁴ Eir he næbbe. ²⁵ agife healf on roðne. healf on
oðrum ceape:.

BE ²⁶LIRIL-²⁷SEATTE.

LXI. ²⁸ Liric-rceat mon' rceal ²⁹ agiran. to þam ³⁰ healme^b y
to þam heorðe þe re ³¹ mon on bið to ³² middum rintpa:.

c BE ³³ÐON ÐE ³⁴QON TO ³⁵LEAPE FORDRÆFE.

LXII. Donne ³⁶ mon bið týtclan ³⁷ betýgen y hine mon

¹ cū *H. no rubric in B.* ² Lú- *B.H.* ³ not in *B.* ⁴ v. peninga *H.*
⁵ peniga *B.* ⁶ *B.* ⁷ IIII. peonega purð. Lu-tægð *B.* ⁸ rir *B.* v. *H.*
⁹ *B.* peninga *H.* ¹⁰ peonega pýrð *B.* peniga - *H.* ¹¹ Lu-eage *B.*
¹² rcillinge *B.* '- *H.* ¹³ rymle *B.* ¹⁴ agiran *B.* agýren *H.* ¹⁵ VI.
pund - *H.* ¹⁶ pund in *E.* is wanting. ¹⁷ *E.* hýre- *H.* hýr-oxan *B.*
¹⁸ ciopl þe hæbbe *H.* ¹⁹ oxan *B.* ²⁰ ahýreð *H.* *B.* ²¹ gýf *B.*

^a The term 'pýphcan,' when used alone, generally means a labourer: 'hep is mýcel pip and þeþa pýphcana:—the harvest truly is great, but the labourers are few.' *Luc. x. 2.* (received version.) In composition it answers to our modern 'wright.' 'Lýr-pýphcan ge-býpeð hundreð eýre. and þæt heo of þrungh-pæge. buteran macize. to hlapoþer beoðe. and hæbbe hipe þa gýrunge ealle. butan þær hýrþer ðæle.' *C.C.C.C. ms. 385.* 'Caseum facienti reddere convenit c. caseos, et ut butirum faciat ad mensam domini sui de siringia, et habeat sibi totam siringiam præter partem pastoris.' *Cot. ms. Titus, A. 27.* Both the subject-matter and the mode of expressing it seem to forbid either interpretation on the present occasion. We should do better perhaps to consider 'pýphca' as equivalent to or of the same family with the 'factus' of the Capitularies, a certain measure of land: 'Ex capitulis Domini Karoli, qualiter ex factis aut mansis, vel quartis, servitium agatur. Pro nimia reclamacione quæ ad nos venit de hominibus ecclesiasticis seu fiscalinis, qui non erant adiurnati quando in Cænomannico pago fuimus, visum est nobis una cum consultu fidelium nostrorum statuere, ut quicunque de prædictis

OF A COW'S HORN.

59. A cow's horn shall be worth two pence; an oxes tail shall be worth a shilling; a cow's shall be five pence; an oxes eye shall be worth five pence; a cow's shall be worth a shilling.

There shall always be given as barley-rent from one ^a 'wyrhta' six pounds.

OF A HIRED YOKE.

60. The 'ceorl' who has hired another's yoke, if he have to pay wholly in fodder, let that be looked to, let him give it wholly. If he have not, let him pay half in fodder, and half in other goods.

OF CHURCH SCOT.

61. Church-scot shall be rendered according to the ^b 'healm' and to the hearth that the man is at at mid-winter.

^c IN CASE A MAN COMPEL [ANOTHER] TO GIVE
PLEDGE.

62. When a man is charged with an offence, and is com-

²² aȝȝanne *B.H.* ²³ aȝȝe *B.* 'not in *H.* ²⁴ Lȝȝ *B.* ²⁵ aȝȝe *B.*
²⁶ cȝȝic- *G.* ²⁷ ȝceattum *G.H.* ²⁸ Lȝȝic- man *B.H.* ²⁹ aȝȝan
B.H. ³⁰ halme *B.* ³¹ man *B.* ³² miȝȝan *B.* miȝȝe *H.* but orig.
miȝȝum. ³³ ȝan *B.G.* ȝam *H.* orig. n. ³⁴ man *B.G.H.* ³⁵ ceace
B.G.H. ³⁶ man *H.* ³⁷ betoȝen *B.H.*

hominibus quartam facti teneret, cum suis animalibus Seniori suo pleniter unum diem cum suo aratro in campo dominico araret, et postea nullum servitium ei manuale in ipsa ebdomada a Seniore suo requireretur.' Cap. v. c. 303.

^b This word, in its simplest signification, meant a straw; and hence its secondary meanings, a chimney, and a roof of thatch. The latter may have been its import here: nor, in this sense, is the word altogether obsolete in the provinces.

^c [Although I have dismissed from the text the version of this law given by Mr. Price, yet, in a case affording very ample scope for doubt, and as his annotations have reference to that version, I have not ventured to suppress it; it ran thus: 'In case a man follow up another to ceap.—When a man is charged with an offence, and he is followed up to 'ceap,' not having then himself ought to give before ceap; and then goeth another man, gives his goods for him in such manner as he may bargain, on the condition that he pass into his service until he can restore him his goods. Then charges him a man afterwards another time, and followeth him up to ceap; if he who

bedrifeð to ¹ceape. nah þonne ²rylf ³[nan rihc] to ⁴zerillanne
^aberopan ⁵ceape. þonne zæð oðer man. ⁶ryleð hys ceap rope
 rpa he þonne zerungian mæge. on þa ⁷ræðenne þe he him za
 to ⁸honda oþæt he hys ceap ⁹him zeinnian ¹⁰mæge. Ðonne
 betyhð hine mon eft oðre rīðe. y ¹¹bedrifeð to ¹²ceape. zif
 hine forð ¹³nelle forrtandan reþe him ær ceap rope realde. y
 he hine þonne forfehð. ¹⁴þolize þonne hys ceaper ¹⁵reþe he him
 ær rope realde:

¹ ceace *B.H.* ² rylf *B.H.* ³ nane rihc *E.* ⁴ ryllanne *B.* zeryllanne
H. ⁵ ceace *B.H.* ⁶ rylað *B.* ⁷ ræðene *B.* ⁸ H. ⁹ handa *B.H.*

^a [The word beropan is used here apparently in the sense of rop, though I should have hesitated to give it this signification in the present instance, had it not been sanctioned by a passage in the

before gave his goods for him, will not stand by him again, and he then convict him, let him then who before gave for him lose his goods.—*T.*]

The mss. *B.G.H.* read, 'ropðræfe to ceace.' In the corresponding passages of the text, *B.* and *H.* (the text is wanting in *G.*) adopt the same variation: and it has been already noticed, that, in c. 37., where the present text reads 'zeþo in ceape,' the same mss. have 'zeþo in ceace.' These repeated substitutions of 'ceace' for 'ceape' clearly prove that we have not to deal with an error of the transcriber, but that 'ceac' and 'ceap' are mere dialectic variations. This transmutation is not of frequent occurrence; yet the instances are sufficiently numerous to establish the law:

Waffen, <i>Germ.</i>	Weapon, <i>E.</i>	Wakn, <i>Suio-Goth.</i>
Haften, —	hepta, <i>S.G.</i>	Stechten, <i>Platt-D.</i>
Brautlauf, —	Bryllaup, <i>Dan.</i>	Brutlacht, —
Kæft, <i>S.G.</i>	Kiaptur, <i>Isl.</i>	Leac, <i>A.-Saxon.</i>

It would be an easy task to increase the list. The following passages from the Richt-staig, an old German law-book, written in the dialect of Austria, exhibit the transmutation in the root of our present text: 'Budet men dü ter antworde om *verkochte* (verkaufte ms. *E.* zeceapeb *A.S.*): If any one ask a replication of thee respecting (things) bought.' Again: 'Wer du yet naerre to behalden süds düns kopes (ceaper *A.S.*) end dünes gekochten (zeceapeban *A.S.*) goedes dan hie dü mit synen ede dat toe ontweren sy.' C. XIII. 'Whether thou art nearer (Conf. Æthelred. II. c. 10.) to retain thy purchase and thy purchased goods, than he to defend it with his oath.' The integrity of the mss. is therefore sufficiently supported; and there can be as little doubt that the terms 'ceap' and 'ceac' were used interchangeably to denote the same thing. From a document published by Dugdale, it seems that 'cippus' (Confer. Cæsar. B.G. lib. vii. c. 73.) was either a place or instrument of punishment; and apparently, as it is rendered by Cowel, a pair of stocks: 'Habeant necnon cippus et conclusoria in singulis villis ad correc-

pelled to give pledge, but has not himself aught to give ^a for pledge; then goes another man, [and] gives his pledge for [him], as he may be able to arrange, on the condition that he give himself into his hands, until he can make good to him his pledge. Then again, a second time, he is accused and compelled to give pledge; if he will not continue to stand for him who before gave pledge for him, and he [the last accuser] then imprison him; let him then forfeit his pledge, who had before given it for him.

⁹ not in *H.* ¹⁰ *B.* ¹¹ beþpīfeð *H.* ¹² ceace *H.* ¹³ nylle *B.* ¹⁴ þolie *B.* ¹⁵ þe *H.* ¹⁶ -ſȝȝ he *B.*

Vercelli ms. (p. 74, l. 19,) viz., þe he beþoþan manna ġynnum fæſte
 -xl. ȝaga ȝ nihta, i. e., 'for the sins of men,' &c.—*T.*]

tionem delinquentium.' *Mon. Angl.* 2 p. fol. 349 a. By Du Cange the same word is interpreted 'instrumentum quo reorum pedes constringuntur.' And again, from an old glossary: 'Cipus *chep* a mestre malfacteurs.' In this sense our vocabularies contain no record of 'ceap,' and they are equally silent with respect to 'ceac.' But in the old German vocabulary known by the name of *Vetus Teutonista*, 'caeck' is explained 'a pillory:' and by Kilian, 'kaecke' is defined — 'Schavot, suggestus sive structura sublimis rotunda, instar cadi sive ocreæ, in qua malefici ad horas aliquot proponuntur deridendi.' In old Danish, this structure is called a 'kag,' the obvious root of the French and English 'cage;' of which latter Junius has said: 'Catasta pegma, in quo ad columnam, collo manibusque adstrictis, exponebantur vulgo hominum ludibriis.' The identity then of 'ceap' and 'ceac,' as indicative of a place or instrument of punishment, seems beyond dispute. The next difficulty lies in the phrases of the rubric and the text, 'þopþpæfe to ceape,' and 'beþpīfeð to ceape.' They are clearly idiomatic forms of expression. The verb beþpīfan is met with in cc. 48. 54., and on both occasions has been rendered 'to follow up.' According to Ihre, the S.G. 'drifwa' meant percutere, verberare; and was equivalent to the A.S. 'ġlean,' ferire, the German 'schlagen.' In Sweden it was said, 'Slo a annan fæ sinu: in alterius pascua pecus suum immittere:' in Germany they still say, 'die schwein in die eicheln schlagen: to drive the hogs into the mast:' and, what is still more to our purpose, 'Einen in den stock legen oder schlagen: to put a man in the stocks.' This latter is an ancient idiom: 'Soe wie valsche mate met of wichte wegghet die solt men te stupe slaen.' *Gloss. March. ad Spec. Sax.* Lib. II. art. 13. 'Whoever measures (with) a false measure, or weighs with a false weight, shall be brought to the whipping-post.' 'Einen an der schrayat schlagen.' *Jus Vetus Aug.* c. 45. 'An der schraiat slahen.' *Jus Prov. Alem.* c. 188.: 'to put a man in the pillory.' A similar mode of expression occurs in the old Danish law: 'Ær han man tha skall han aff Rodzens budh slaas tiill kaghen.' *Waldemar IV. Pri-*

BE LESIDELUNDES ¹MONNES ²FÆRE.

LXIII. ³Ʒif Ʒerþeund man Ʒape. þonne mot he habban hƷ ƷereƷan mid him. Ʒ hƷ Ʒmið. Ʒ hƷ eilð-⁴ƷerƷan.

BE ⁴ÐAM ÐE ⁵þÆFD ·XX· ⁶þYDA LANDES.

LXIV. Seþe hæƷð ⁷·xx· hida. Ʒe Ʒceal ⁸Ʒæcnan ·xii· hida ƷeretteƷ landeƷ þonne he Ʒapan ⁹þille.

BE ¹⁰·X· ¹¹þIDUM.

LXV. Seþe hæƷð ¹²·x· hida¹³. Ʒe Ʒceal ¹⁴Ʒæcnan ·vi· hida ƷeretteƷ landeƷ.

BE ¹⁵·III· þIDUM.

LXVI. Seþe hæbbe ¹⁶þreo hida. ¹⁷Ʒæcne oðreƷ healƷe¹⁸.

¹ manneƷ B.H. ² Ʒape B. ³ Ʒif B. ⁴ þan G. ⁵ hæƷð B. ⁶ hida G.H. ⁷ - B. ⁸ Ʒæcnan ƷeƷe B. ⁹ þille B. ¹⁰ Ʒyn B. ¹¹ hƷðum G. ¹² Ʒyn B. ¹³ landeƷ H. add. ¹⁴ Ʒæcnan Ʒyn B.

^a In a vocabulary cited by Lye, this word is rendered nutrix. The important station held by such a person in ancient families is evidenced by this fact, that so late as the time of Edw. I. it was considered treason against the lord for his tenant to debauch the nurse

vilegium for Lund. c. 18. 'If it be a man, he shall by command of the council be put in the cage.' And again: 'Kan han them icke uthgive han *slaas til kaghen* eller oc lose sigh fran foghet, burge-mestre oc radh som han meth thennum kan ens wordhe.' *Christopher of Bavaria's Copenhagen Law*, vi. c. 29. 'If he cannot pay that (the wite), he is to be put in the cage, or compound with the vogt, burgomaster and council, as he can answer to (satisfy) them.' With these illustrations, we may, perhaps, venture to translate the opening of this law: 'When a man is accused of an offence, and the accuser prosecutes him to punishment, (and) he then has nothing (where-with) to pay before punishment.' The substance of this law is to be found in the Capitularies: 'Liber qui se loco wadii in alterius potestatem commiserit, ibique constitutus damnum aliquod cuilibet fecerit, qui eum in locum wadii suscepit, aut damnum solvat, aut hominem in mallo productum dimittat, perdens simul debitum propter quod eum in wadio suscepit. Et qui damnum fecit, dimissus juxta qualitatem rei cogatur emendare.' Cap. II. An. 803. 8. &c. And the Latin formulæ in Canciani contain several precedents for such compacts: the following is from the Formulæ Mabillonii: 'Domno mihi proprio illo, ego illi. Et quia conjunxerunt mihi culpas et meas magis negligentias pro furta quid feci, unde ego in *turnentas fui*, et eologias feci, et morte periculum ex hoc incurrere debui; set habuit pietas vestra datis de *ris vestras solidus tantus. Ideo hanc

OF A 'GESITHCUND' MAN'S GOING AWAY.

63. If a 'gesithcund' man go away, then may he have his reeve with him, and his 'smith,' and his child's 'fosterer.

OF HIM WHO HAS XX. HIDES OF LAND.

64. He who has xx. hides, shall ^b show xii. hides of cultivated land, when he wishes to go away.

OF X. HIDES.

65. He who has x. hides, shall ^b show vi. hides of cultivated land.

OF III. HIDES.

66. He who has three hides, let him ^b show one and a half.

15' þreo ði. *B.* 16' þreo ʒ. *B.* þreopa *E.* iii. hīða lanber *H.* 17 tæce *B.* 18 hýber ʒereceʒ *H.* *add.*

of his children: 'si come de treason fait a ascun seignieur par le pargiser de sa femme ou de sa fille ou de la norice de ses enfants.' *Britton*, c. 22.

^b ['Deliver up.' *P.* Committēre. *Brom.* Aufweisen. *Sch.*]

epistolam venditione de integrum statum omni peculiare meo vobis emittendam curavi, ut quidquid ab hodierna die de memetipso facere volueritis, sicut et de reliqua mancipia vestra originaria, in omnibus Deo præsente habeas potestatem faciendi,' &c. *Canc.* vol. iii. p. 470. In the old Lübeck law, mention is also made of this permission to compound for offences punishable by excoriation of the head, and which was done at the stocks or whipping-post: 'So we mit duve begrepen wirt, unde di duve beter is dann en virdinc, den schal man hangen; is dat di duve beneden eme virdinge is, men schal den dief scheren, is oc dat he sic uthkopet mit sineme gude, des wert dat dridde del deme gerichtē.' *Ant. Jus Lubec.* art. clxxvi. 'If a man be taken with stolen goods upon him, and they are worth more than a virdinc, he shall be hanged: if they are worth less, he shall have his head excoriated; and if he compound with money for the punishment, the third part of the composition shall be given to the Court.' It only remains to observe that the old Latin version renders the rubric, 'Si quis ad ceace pertrahatur, i.e., contamen vel fauces vel ancidiām:' for 'ancidiām' another ms. reads 'ancillam;' which would seem to indicate that the original was 'maxillam.' In the body of the law is read, 'ad fauces cohortatur—ad captale pertrahatur:' and for 'beropan ceace,' 'ante certamen,' by which also the rubric should be corrected.

BE ¹LYRDE ²LONDES ³.

LXVII. ³Lyf ⁴mon zepingæð' zýrðe lander ofþe ⁵mære to
b¹ræde-garole. y ⁶zeeneð. zýf' re hlaforð him ⁷pyle þ' land
aræpan to peorce y to garole. ne þearf he him ⁸onfôn ⁹zýf he
him nan botl ne ¹⁰reðð. y ¹¹þolie c þara ¹²æcra:.

BE ¹³LESIDELUNDES ¹⁴MONNES DRÆFE' OF ¹⁵LONDE.

LXVIII. ¹⁶Lyf mon zepiðcunðne ¹⁷monnan adrufe. forðrufe
þý botle. næf þære fetene:.

BE SLEAPES ¹⁸LONLE ¹⁹MID DIS ²⁰FLIESE.'

LXIX. Sceaþ sceal zongzan mid hý ²¹þiere oð midne rumor.
ofþe ²²zylbe þ' ²³þiere mid ²⁴tram ²⁵pæningum:.

BE TPY-ÞYNDUM ÞERE.

LXX. Ect tpy-hýndum pepe ²⁶mon sceal ²⁷rellan to ²⁸mon-
bote .xxx. y cist. ²⁹æt ³⁰.vi. hýndum ³¹.Lxxx. y cist. æt tpef-
hýndum ³².c.xx.

Ect ³³.x. hýndum to forþre. ³³.x. faða ³⁴hunier. ³⁵.ccc. hlāra.
.xii. ³⁶ambra ³⁷þilyrceþ ealað. ³⁸.xxx. hlutþreþ. ³⁹tu ealb
hriðeru' ofþe ⁴⁰.x. peðepar. ⁴¹.x. ⁴²zeer. ⁴³.xx. henna. ⁴⁴.x.
⁴⁵cepar. ⁴⁶amþer þulne buteran. ⁴⁷.v. leaxar. ⁴⁸.xx. pund-
⁴⁹pæga forðreþ. y ⁵⁰hund-teontig ⁵¹æla:.

¹zýrðe lander *H.* ²not in *B.* ³Lyf *B.* ⁴man zepingæð *H.* ⁵mære
H. ⁶epeð *H.*; but orig. zeepeð. ⁷zeepað zýf *B.* ⁸pyle *B.* ⁹E.
⁹zýf *B.* ¹⁰rýlð *B.* rýlð *H.* ¹¹þolize hý æcra *H.* ¹²æcra *B.*
¹³piðcunber *G.* ¹⁴manner *G.H.* ¹⁵—þrafe *B.* ¹⁶lanbe *B.G.* lánbe
H. ¹⁷Lyf *B.* ¹⁸mann *H.* ¹⁹zange *B.G.H.* ²⁰not in *B.* ²¹þiere
G. rýþe *H.* ²²þýþe *B.H.* ²³zýlbe *B.* ²⁴þleor *B.* rýþ *H.* ²⁵II. *H.*
²⁶penegum *B.H.* ²⁷man *B.H.* ²⁸rýllan *B.H.* ²⁹man- *H.* ³⁰y

^a The quantity of a yard of land varied considerably in the several counties. According to the ancient custumal already quoted, it would seem in some places to have been the measure of a Gebur's estate: 'On þam rýlfum lanbe. þe þeor pæben on-ſcænt. zeþupe zebýneð. þæt him man to land-fetene rýlle II. oxan. and I. cu and VI. ſceap. and VII. æcepar zepapene on hý zýrðe lander.' C.C.C.C. MS. 383. 'In ipsa terra ubi hæc consuetudo stat, moris est ut ad terram assidendam dentur ei duo boves et una vacca et VI. oves et VII. acra seminatæ in sua virgata terræ.' Cot. MS. Titus, A. 27.

^b Perhaps it would be more correct to consider this the 'reede-geld' 'parata pecunia' of Germany, the 'reede-penningh' of the Danish law.

OF A 'YARD OF LAND.

67. If a man agree for a yard of land, or more, at a ^b fixed rent, and plough it; if the lord desire to raise the land to him to service and to rent, he need not take it upon him, if the lord do not give him a dwelling: and let him ^c lose the crop.

OF DRIVING A 'GESITHCUND' MAN OFF THE LAND.

68. If a 'gesithcund' man be driven off, let him be driven from the dwelling, not from the stock.

OF A SHEEP'S GOING WITH ITS FLEECE.

69. A sheep shall go with its fleece until Midsummer, or let the fleece be paid for with two pence.

OF A 'TWY-HYNDE'S WĒR.'

70. With a 'twy-hynde' man's 'wēr' shall be given, as 'man-bōt,' xxx. shillings; with a six-'hynde's,' lxxx. shillings; with a twelve-'hynde's,' cxx. shillings.

With x. hides, as 'foster,' x. vessels of honey, ccc. loaves, xii. 'ambers' of 'Wilisc' ale, xxx. of clear; two full-yearred oxen or x. wethers, x. geese, xx. hens, x. cheeses, an 'amber' full of butter, v. salmons, xx. pounds of fodder, and a hundred eels.

B. add. ³⁰ ȝȝ *B.H.* ³¹ hund-eahtatiz *B.* ³² hund-ƿelfetiz *B.*
³³ tȝn *B.* ³⁴ hunizer *H.* ³⁵ ƿreo hund ƿelf *B.* ³⁶ ambƿer *H.*
³⁷ ƿylſceƿ ealoð *B.* - eoloð *H.* ³⁸ ƿritiz hlutƿer *B.* ³⁹ ƿa ealða
 ƿyðeƿu *B.* ii. ealbe hƿyðeƿu *H.* ⁴⁰ tȝn *B.* ⁴¹ anb tȝn *B.* ⁴² ȝēf *H.*
⁴³ ƿƿentī *B.* ⁴⁴ anb tȝn *B.* ⁴⁵ cȝraſ *B.H.* ⁴⁶ ȝ *B. add.* ⁴⁷ fīf *B.*
⁴⁸ ȝ *H. add.* ƿƿentiz *B.* ⁴⁹ ƿeȝa *B.* ⁵⁰ c. *H.* ⁵¹ ƿ *B.*

^c The translation assumes that this clause contains a beneficial provision for the tenant. If the lord make a demand of increased advantage to himself—that is, of service in addition to the rent previously agreed upon—he may do so, provided at the same time he give an equivalent; to wit, a botl; for to this, as a tenement, service shall be incident. If he do not give the botl, and still chuse to determine the tenure by enhancing the terms, let him lose the crop; that is to say, his proportion of it. It is still a principle of our law, that if the landlord of a tenant at will determine the tenancy by ejecting the tenant, the latter shall have the crop without paying any rent. [I am inclined to prefer the reading of Lambarde and of *H.*: 'ȝ ne ƿolȝe ƿa (hȝ) æcƿa: and let him (the tenant) not forfeit the (his) fields.'—*T.*]

BE ¹PER-TYPTLAN.^a

LXXI. ² Līf mon ³ rīe per-týhtlan' betogen. y he hit þonne
⁴ geondette beforan aðe. y ⁵ onſace ⁶ æp. ⁷ biðe mon' mid þære
 pite. ⁸ rædenne oþþæt re per geſolden ⁹ rīe:.

c BE ⁹PER-LELD-DEOFES ¹⁰FOREFONLE.

LXXII. ¹¹ Līf mon ¹² per-guld-þeoſ geſehð. y he ¹³ loſige þý'
 dæge þam ¹⁴ monnum þe hine geſoð. þeah hine ¹⁵ mon geſoð'
 ýmb ¹⁶ nýht. nah him ¹⁷ mon maþe æt ¹⁸ þonne ful ¹⁹ píte:.

c BE ²⁰ANRE ²¹NIPTES ²²ÐIEFÐE.

LXXIII. ²³ Līf hit bið ²⁴ nýht-ealð ²⁵ þieſð. gebēten' þa þone
 gýlt þe hine geſengon. rpa ²⁶ hie geþingian ²⁷ mægen. pið
²⁸ cýning y hīr geſefan:.

BE ²⁹ÐON ÐE ³⁰DEOP-PEALP ³¹FRIGONE MON' ³²ÓFSLEA.

LXXIV. ³³ Līf þeoſ-pealh Enghýcne ³⁴ monnan oſſhlhð. þonne
 rceal reþe hine ah peorpan hine to ³⁵ honða hlaſorðe y ³⁶ mæ-
 gum. oþþe ³⁷ .LX. rciſſ. ³⁸ geſellan pið hīr reoſe. ³⁹ Līf he þonne
 þone ceap ⁴⁰ nelle ſoſe ⁴¹ geſellan. þonne moð hine re hlaſorð
⁴² geſſeoſan. ⁴³ gielden riþþan' hīr ⁴⁴ mægaſ þone per ⁴⁵ gīf he
 mæg-⁴⁶ buſg hæbbe rſeo. ⁴⁷ Līf he næbbe. heden hīr ⁴⁸ þa

¹ per-týhtlan *H.* -týhlan *G.* -týhlan *B.* ² Līf *B.* ³ rī *H.* 'rī
 -týhlan *B.* ⁴ geandette *B.H.* ⁵ 'E. ⁶ abide *B.* '—man *H.*
⁷ -rædene *H.*; *but orig.* -ræbenne. ⁸ rī *B.H.* ⁹ perguld *B.G.H.*
¹⁰ ſoſeſenſe *B.G.H.* ¹¹ Līf *B.* ¹² pergýlb *B.* ¹³ loſie *H.* '—pī *B.*
¹⁴ mannum *B.* ¹⁵ man ' *B.H.* ¹⁶ nýht *H.* ¹⁷ man *H.* ¹⁸ þonon
B. ¹⁹ ' *B.* ²⁰ anpa *G.* ²¹ nýhte *B.* nýhtae *G.* ²² pýrte *B.* pýrðe
G.H. ²³ Līf *B.* ²⁴ nýht *H.* ²⁵ pýrð *H.* '—' *B.* ²⁶ hīz *B.* hý *H.*

^a An accusation involving the penalty of the wergild. See above, p. 136, note ^a.

^b A provision, explanatory of this law, occurs in the *Privilegia Civitatis Ripensis*, (1269): 'Si quis querimoniam de altero moverit quacunque de causa, et alter *negaverit* coram advocato et consulis, et super hoc juramentum prestare noluerit, sed potius reddere, quam jurare maluerit, eo, quod prius negavit, persolvat advocato ii. oras et civitati ii. oras denariorum.' C. 46. See also Eric's Zealand Law, p. 494.

^c These chapters, though they have separate titles, ought to be considered as consecutive propositions of the same law. They allude to a very important distinction occurring in every early Germanic code: 'Multum olim intererat, ne accusatio maleficii manifesti

OF A 'WER-TYHTLE.'

71. If a man be accused of 'wer-tyhtle,' and he then confess it before the oath, and had previously ^bdenied it; let the 'wite-ræden' abide until the 'wēr' be paid.

OF THE CAPTION OF A 'WER-GILD' THIEF.

72. If a man seize a 'wer-gild' thief, and he escape that day from the men who seize him; though he be seized again by night, they shall have no more from him than full 'wite.'

OF A DAY-OLD THEFT.

73. If it be a theft of a day old, let those make 'bōt' for the offence who seized him, as they can agree with the king and his reeve.

IN CASE A 'THEOW-WEALH' SLAY A FREEMAN.

74. If a 'theow-wealh' slay an Englishman, then shall he who owns him deliver him up to the lord and the kindred, or give LX. shillings for his life. But if he will not give that sum for him, then must the lord enfranchise him; afterwards let his kindred pay the 'wēr,' if he have a free 'mæg-burh:' if he have not, let his foes take heed to him. The free need not pay

²⁷ maƿon *B.H.* ²⁸ cýnunge *B.* ²⁹ þan *B.G.* þam *H.* ³⁰ þeop-palh *B.* þeop-pealh *G.* ³¹ fpeugne man *B.H.* fpeonne - *G.* ³² E. ³³ Lȳf *B.* ³⁴ mann *B.* man *H.* ³⁵ hanða *B.H.* ³⁶ maƿum *B.H.* ³⁷ ȝeryllan *B.* ³⁸ ȝeryllan *B.H.* ³⁹ Lȳf *B.* ⁴⁰ nýlle *H.* ⁴¹ ȝeryllan *B.H.* ⁴² ȝe-fpeoƿean *H.* ⁴³ ȝilbon *H.* 'ȝýlban ȝýppan *B.* ⁴⁴ maƿar *B.H.* ⁴⁵ ȝýf *B.* ⁴⁶ -boþh *B.* -buþh *H.* ⁴⁷ Lȳf *B.* ⁴⁸ þonne *H.* *add.*

differetur in crastinum; quippe hoc casu cessabat clamor violentiæ et accusatio criminalis, reusque jam admittebatur ad purgationem sui per iurandum.' *Haltius*, p. 1496. Hence, whether the thief were taken 'bæc-bepend, and æt openne ȝylbe,' or the offence became 'niht-ealb þýrðe,' made an important difference to the prosecutor: since, in the one instance, there was a certainty of conviction; in the other, the thief might be able to produce the legal number of unexceptionable compurgators, and thus ensure his acquittal. An escape therefore, by so materially lessening the chance of redress to the prosecutor, was so far defeating the ends of justice; and, as a safeguard against collusion, the parties suffering it were to compound with the crown in the best manner they could.

¹ ȝeƿán. Ne þearf ȝe ² ƿrizea mið þam ³ þeopan ⁴ mæȝ-
ȝylðan. ⁵ buton he ⁶ him ⁷ ƿille ƿæhðe of-aceapian. ne ȝe
þeopa mið ⁸ þȝ ƿrizean:.

BE 7FORSTOLENES LEAPES FOREFONLE.

LXXV. Líf ⁹ mon ceap befehð ¹⁰ ƿorȝtolenne. ȝ ¹¹ ȝio honð
tiemð' þonne. ¹² ȝio hine mon æt-befehð. ¹³ to oðrum men.
¹⁴ ȝif ȝe ¹⁵ mon hine ¹⁶ þonne onȝon ¹⁷ ne ƿille. ȝ ȝægð þ' he
him næƿre þ' ne ȝealde. ac ȝealde oðer. þonne mot ȝe ȝecȝðan.
ȝeþe hit ¹⁸ tiemð to ¹⁹ þære ²⁰ honða. þ' he him nan oðer ne
ȝealde ²¹ buton þ' ilce:.

²¹ BE ²² ÐON LIF ²³ MON OÐRES LOD-SUNU SLEA OÐÐE ÐIS LOD-FÆDER.

LXXVI. ²⁴ Líf hƿa' oðrer ȝod-ȝunu ²⁵ ȝleá ofþe hȝ ȝod-ƿæðer.
²⁶ ȝie ȝio' mæȝ-bot ȝ ²⁷ ȝio man-bot ȝelic. ȝeaxe ²⁸ ȝio bot
be þam ȝeþe. ȝpa ilce ȝpa ²⁹ ȝio man-bot ðeð þe þam hlaȝorðe
ȝeal. ³⁰ Líf hit þonne ³¹ kȝninges ȝod-ȝunu ³² ȝie. bete be
hȝ ȝeþe þam ³³ cȝninge ȝpa ³⁴ ilce ȝpa þære mæȝðe. ³⁵ Líf
he þonne on þone ȝeonbȝrðe þe hine ³⁶ ȝlog. þonne ætȝealle
³⁷ ȝio bot þæm ³⁸ ȝod-ƿæðer ȝpa ³⁹ ilce ȝpa þ' ȝite ⁴⁰ þam hlaȝorðe
ðeð. ⁴¹ Líf hit ⁴² hȝceƿ-ȝunu ⁴³ ȝie. ȝie' be healȝum þam ⁴⁴:

¹ ƿ B. ² ƿrizea H. ƿrize E. ƿ B. ³ þeopan men ȝylðan B. ȝylðan
H. ⁴ butan H. ⁵ ȝylle B. ⁶ þam B.H. ⁷ ƿorȝenȝe H. ƿorȝenȝe
G. Be ƿorȝtolene ceape. B. ⁸ man H. ⁹ ƿorȝtolene B. ¹⁰ ȝeo
hanð cȝmð B.H. ¹¹ ȝeo B.H. ¹² þe B. add. ¹³ Líf B. ¹⁴ man H.
¹⁵ not in B. ¹⁶ nȝlle B. nȝlle þær ceaper H. ¹⁷ cȝmð B.H.
¹⁸ þapa B. ¹⁹ hanða H. ƿ- þe B. ²⁰ butan B. ²¹ Be ȝobȝæper

^a That is, to pay a certain proportion of the wergild due for a
homicide committed by a kinsman.

^b [The person intended by 'him' is doubtful, though the Latin
version in Bromton has, 'nisi velit eum factione liberare:' Schmid's

‘mæg-bōt’ with the ‘theow,’ unless he be desirous to buy off
 ‘from himself the ‘fæhthe,’ nor the ‘theow’ with the free.

OF THE ATTACHMENT OF STOLEN PROPERTY.

75. If a man attach stolen property, and the person with whom it is attached then vouch another man to warranty; if then the man will not accept it, and says that he never sold him that, but sold him other; then must he prove who vouches it to that person, that he sold to him none other, but that same.

IN CASE A MAN SLAY ANOTHER’S GODSON OR HIS GODFATHER.

76. If any one slay another’s godson or his godfather, let the
 ‘mæg-bōt’ and the ‘man-bōt’ be alike. Let the ‘bōt’ increase according to the ‘wēr,’ in like manner as the ‘man-bōt’ does, which is due to the lord. But if it be a king’s godson, let him make ‘bōt’ to the king according to his ‘wēr,’ in like manner as to the kindred. If, however, he strive against him who slew him, then let the ‘bōt’ to the godfather decrease in like manner as the ‘wite’ to the lord does. If it be a bishop’s son, let it be half of this.

oppe goþrunuþ flæhte. *B.* 22 þan *G.* þam *H.* 23 man *G.H.* 24 Lȳf
 ~ *B.* 25 ~ *B.* 26 rȳ ȳeo *B.H.* 27 ȳeo *B.H.* 28 Lȳf *B.* 29 cȳnunge
H. 30 rȳ *B.H.* 31 cinge *B.* 32 ȳame *B.H.* 33 Lȳf *B.* 34 floh *B.H.*
 35 ȳeo *B.H.* 36 ~ goþræðeþe *B.* 37 ȳame *B.H.* 38 þæm *H.* 39 Lȳf
B. 40 biȳceop *B.* biȳcop *H.* 41 rȳ. rȳ *B.H.* 42 ȳeo bote. *H.*
add.

German is to the same effect: ‘ausser wenn er ihn von der Fehde loskaufen will.’—*T.*]

^c The bote due for the slaughter of a kinsman, here distinct from the wergild, and perhaps altogether a rule of ecclesiastical law.

ÆLFREDES AND LUDRUMES^a FRID.

Ðiſ 1ſ þ¹ frid þ² Ælfræd cýning. ⁊ Lúðrum cýning. ⁊ ealler Angel-cýnneſ ƿitan. ⁊ eal ſeo þeod þe on Earc-Englum beoð. ealle geƿeden habbað. ⁊ mið aðum³ ge-ſeoſcnoð. for⁴ hý ſýlfe ⁊ for heora zingran. ge for geborene ge for ungeborene. þe Ioder miltſe ſecce ofþe ure:.

i. Æſeſt ýmb ure land-ge-mæra. up on Temeſe. ⁊ þonne up on Liſan. ⁊ andlang Liſan oð hipe æ-ƿýlm. þonne on geſuhte to Beda-forða. þonne up on Uſan oð ƿætlinga-ſcſæt:.

⁵ii. Ðæt 1ſ þonne. zif man ofſlægen ƿeoſðe. ealle ƿe lætað

ÆLFREDES LATA EYNINGS.^b

Ðiſ 1ſ þ¹ frid þ² Ælfræd cýng. ⁊ Luðrun cing. ⁊ ealler Angel-cýnneſ ƿitan. ⁊ eal ſeo þeod þe on Earc-Englum beoð. cƿeð. ⁊ geſƿoren⁶ habbað. ge for hý ſýlfe ge for heora⁷ ofſƿrýng:.

* i. þonne. i. Æſeſt ýmbe heora land-ge-mæra. andlang Temeſe. * þ¹ up on Liſean. andlang Liſean oð hipe æ-ƿýlm. þanon on geſuhta to Beda-forða. þanon up on on Uſan oð ƿætlinga-ſcſæt:.

ii. And hi cƿædon. zýf mon ofſlægen ƿuſðe. eal ƿe letað

¹ frýðe ² cýning ³ geſeſcnoð ⁴ hi ⁵ Be ofſlæſenan manner
⁷ zingran

^a Guthrum, king of the invading Danes, after being worsted in battle by Alfred, was baptized in the year 878; and having evacuated Wessex according to treaty in the following year, he took possession of East-Anglia in 880, which he seems to have governed till his death in the year 891. See the Saxon Chronicle.

This has been printed by Lambard; apparently from a ms. which

ALFRED AND GUTHRUM'S^a PEACE.

This is the peace that king Alfred, and king Guthrum, and the 'witan' of all the English nation, and all the people that are in East-Anglia, have all ordained and with oaths confirmed, for themselves and for their descendants, as well for born as for unborn, who reckon of God's mercy or of our's.

1. First, concerning our land-boundaries: up on the Thames, and then up on the Lea, and along the Lea unto its source, then right to Bedford, then up on the Ouse unto Watling-street.

2. Then is this: if a man be slain, we estimate all equally

 THE LAWS OF KING ÆLFRED.^b

This is the peace that king Ælfred, and king Guthrum, and the 'witan' of all the English nation, and all the people that are in East-Anglia ordained, and have sworn to, as well for themselves as for their offspring.

1. First, concerning their land-boundaries: along the Thames, then up on the Lea, along the Lea unto its source, thence right to Bedford, thence upwards on the Ouse unto Watling-street.

2. And they ordained: if a man should be slain, we estimate

pepe. Rubr. add.
B. margin.

⁶ and mib aðum ȝeȝæptnoð *B. margin.*

has not been found. It is here given from ms. *B.*, collated with Lambard's edition.

^b This second text is also found in ms. *B.* As it contains some material variations, it has been thought advisable to give it entire, notwithstanding the close agreement between most of the chapters in both texts.

eƿen dýrne. Enghlycne ƿ Denlycne. to .viii. healf-¹marcum
aƿodener ƿoldeƿ. ²buton þam ceopre þe on ƿarol-lande ƿit
ƿ heopa ³heƿingum.^b þa ⁴ƿýndon eac eƿen dýrne. æƿðer to
.cc. ƿcýll.:

⁵iii. ⁶And ƿif mon cýnnger þegn ⁷beteo man-ƿlihteƿ.
ƿif he hine laðian dýrne. ðo he þ̅ mid .xii. ⁸cýnnger þegnum.
If ⁹man þone ¹⁰man betýhð þe bið læƿra ¹¹maða þone ƿe
cýnnger þegn. laðige he hine mid .xi. hiƿ ƿeliceña. ƿ mid
anum cýnnger ¹²þæzne. And ƿra ¹³æƿehƿilcne ƿƿræce þe
mape ƿý ¹⁴þone .iiii. mancƿƿar. And ¹⁵ƿýf he ne ¹⁶dýrne.
¹⁷ƿýlðe hiƿ ¹⁸þƿý-ƿýlðe. ƿra hiƿ ¹⁹man ƿeƿýrðe.:

BE LETYUM.

iv. And ²⁰þ̅ ælc man ƿite hiƿ ƿetýman be mannum. ƿ be
hoprum. ƿ be oxum.:

v. And ealle ƿe cƿædon on ²¹þam ðæge þe mon ²²þa aðar

eƿen dýrne. Enghlycne ƿ Denlycne. þ̅ iƿ to .viii. healf-marcum
aƿodener ƿoldeƿ. buton þam ceopre þe on ƿarol-lande ƿit ƿ
heopa lýringon. þa ƿýndon eac eƿen dýrne. æƿðer ƿra hund
ƿcýll.:

iii. And ƿýf man cýnnger þegen beteo man-ƿlihteƿ. ƿ he
hine laðian ðurne. ðo he þ̅ mid .xii. cýnnger þegnaƿ. ƿ ƿýf
mon þone man betýhð þe bið læƿra maða. laðie híne .xi. hiƿ
ƿeliceña ƿ anum cýnnger þegene.:

iv. And ealle hiƿ ƿecƿædon þa man þa aðar ƿƿor. þe

¹ mearcum ² butan þæm ³ lýringum ⁴ ƿýndon ⁵ Be þegnum þe
betegene ƿýnð. *Rubr. add.* ⁶ omitted. ⁷ manƿlihteƿ beteo ⁸ cý-
nnger ⁹ mon ma *B.* ¹⁰ þegn ¹¹ maða ¹² þegne ¹³ æƿehƿilcne

^a [Mr. Price, whose version of this phrase was, 'seven and a half marks,' had evidently regarded it as identical with eahtoƿe healf mape, where the number expressed by the ordinal is diminished by a half; an idiom which, however, does not exist when the cardinal number is used. In *Æthels. I. 24.* we have oƿre healf, 'one and a half,' while in Lambarde's text (*see var. reading*) the same measure is expressed by þreo healf, *i.e.* 'three halves.' The following pas-

dear, English and Danish, at ^aviii. half-marks of pure gold; except the 'ceorl' who resides on 'gafol-land,' and their ^b 'liesings:' they also are equally dear, either at cc. shillings.

3. And if a king's thane be accused of man-slaying, if he dare to clear himself, let him do that with xii. king's thanes. If any one accuse that man who is of less degree than the king's thane, let him clear himself with xi. of his equals, and with one king's thane. And so in every suit which may be for more than iv. 'mancuses.' And if he dare not, let him pay for it three-fold, as it may be valued.

OF WARRANTORS.

4. And that every man know his warrantor for men, and for horses, and for oxen.

5. And we all ordained on that day that the oaths were

all equally dear, English and Danish, that is at ^aviii. half-marks of pure gold; except the 'ceorl' who resides upon 'gafol-land,' and their 'lysings:' they also are equally dear, either at two hundred shillings.

3. And if a man accuse a king's thane of man-slaying, and he dare to clear himself, let him do that with xii. king's thanes; and if any one accuse that man who is of less degree, let him clear himself with xi. of his equals, and with one king's thane.

4. And they all ordained, when the oaths were sworn, that

¹⁴ þonne ¹⁵ ȝif ¹⁶ ðýpne ¹⁷ ȝýlb ¹⁸ þpýȝýlb ¹⁹ mon ²⁰ omitted.
²¹ þæm þa *B.* ²² omitted.

sages, from a version of Cnut's Laws, (*see* p. 168, note ^a.) are to the same effect: 'decem dimidie marce, hoc est quinque marce;' and, 'sex dimidie marce, hoc est tres marce.'—*T.*]

^b The ceorl occupying gafol-land, and his equal, the Danish lysing—in Icelandic a freedman is still called a leysingi—were to be valued in a were of 200 s.

ƿƿop. ꝥ ne þeoƿe ne ƿreo ne moton in þone heƿe ƿaƿan butan
leafe. ne heoƿa nan þe ma to uƿ. ƿiƿ þonne ƿebýrge ¹þ ƿop
neode heoƿa ²hƿilc ƿið uƿe biƿe ³habban ƿille. oþþe ƿe ƿið
heoƿa. mið ýrƿe ƿ mið æhtum. ꝥ iƿ to þaƿianne on þa ƿiƿan.
þ ⁴man ƿiƿlaƿ ƿýlle ⁵ƿiðe ⁶to ƿeððe. ƿ' to ƿƿutulunge þ
⁷man ƿite þ ⁸man ^aclæne' ⁹bæc hæbbe:.

naðop ne ƿe on þone héne ƿaƿan buton leafe. ne heoƿa nan
þe ma to uƿ. buton man ^bƿiƿýƿan ƿ beƿýnan ƿýrƿlaƿ ƿýlle
ƿiðe to ƿeððe. ƿ to ƿƿutelunge þ man mið ƿihte ƿaƿe.
* ƿaƿe? ƿýr þ ƿeneoðige þ uƿe æniƿ to oðrum * ƿæce mið ýrƿe ƿ mið
æhtum:.

¹ þæt þe B.

² hƿýlce

³ hæbban

⁴ mon

⁵ ƿiƿýðe

^a The translation adopts the obvious meaning of these words, and which appear to be used in contradistinction to bæc-berend, or the characteristic of an offender taken in the mainour. The Latin version reads 'clene-bec, id est, mundam carnem.'

sworn, that neither bond nor free might go to the host without leave, no more than any of them to us. But if it happen, that from necessity any of them will have traffic with us, or we with them, with cattle and with goods, that is to be allowed in this wise; that hostages be given in pledge of peace, and as evidence whereby it may be known that the party has a^a clean back.

neither should we go to the host without leave, no more than any of them to us, unless ^bfaith and hostages be mutually given in pledge of peace, and as evidence that the party lawfully goes, if it so need, that any of us go to the other with cattle and with goods.

^{6f} omitted. ⁷ mon ^{8f} mon clæn ⁹ *al. flærc marg.*

^b There can be little doubt that we ought to read: 'buton man betpynan trýuan anb gýrlar gýlle, &c.: unless sureties and hostages be mutually given.'

EADWEARDES DOMAS.^a

¹EADWEARDES LERÆ[D]NESSE.

BE DOME AND SPRÆLE.

Eadweard cýning být þam gerefum eallum. ꝥ ge ðeman gpa rihte domar gpa ge rihtorste cunnon. ⁊ hit on þære dom-bec stande. Ne ²panðiað for nanum þingum folc-riht to ³geregeceanne. ⁊ ꝥ gehwile ⁴gppæc hæbbe andagan ⁵hpænne heo gelærst rý ꝥ ge þonne gereccan:

BE LEAPUNGE.

1. And ic wille ꝥ gehwile man hæbbe his geteaman. ⁊ nan man ne ceapige butan ^bporste. ac hæbbe þær porst-gerefan gestnerre oþþe oðera ungeligenra ⁶manna þe man gelyfan mæge. And ⁷zif hpa butan porste ceapige. ⁸þonne rý he ⁹cýninges ^coferhýrnerre rýlðig. ⁊ gange ge team þeah forð ¹⁰oþþæt man wite hpær he oðstande. Eac we cwædon. geþe týman rcolde ꝥ he hærde ungeligene gestnerre þær ꝥ he hit on riht týmde. oþþe þone að funde þe ge gelyfan ¹¹mihte þe onrrpece. Swa we cwædon be ¹²þære agnunge ꝥ ylce. ꝥ he gelædde ungeligne gestnerre þær. oþþe þone að funde. ¹³zif he mæhte ^dungetenenne. þe ge onrpeca ongehealden wære. ¹⁴Lif he ¹⁵þone ne ¹⁶mæhte. ¹⁷þonne namede him man ¹⁸rix men on þam ylcan ¹⁹geburhcyre þe he on hamfærst wære.

¹ The rubrics are all from H.; the text is also from H.; the variations from B. ² panðie B. ³ gereccanne B. ⁴ gppæc B. gppæce H. ⁵ hpænne B. ⁶ man B. ⁷ zif B. ⁸ þone B. ⁹ cýninges B. ¹⁰ oð

^a Edward, commonly called the Elder, succeeded his father Ælfred in the year 901, and died in 924.

^b This term appears to have obtained here the same extended sense which is given to it in the Roman law. 'Portus est conclusus locus quo importantur merces et inde exportantur. Est et *statio conclusa ac munita.*' D. C. Portus.

^c Equivalent to what is now called a contempt: from ofer-hýpan

THE LAWS OF KING EDWARD.^a

EDWARD'S ORDINANCES.

OF DOOM AND SUIT.

King Edward commands all the reeves: that ye judge such just dooms as ye know to be most righteous, and it in the doom-book stands. Fear not on any account to pronounce folk-right; and that every suit have a term when it shall be brought forward, that ye then may pronounce.

OF BUYING.

1. And I will that every man have his warrantor; and that no man buy out of ^bport, but have the port-reeve's witness, or that of other unlying men whom one may believe. And if any one buy out of port, then let him incur the king's 'ofer-hyrnes,' and let the warranty nevertheless go forward, until it be known where it shall stop. Also we have ordained: that he who should vouch to warranty should have unlying witness to the effect that he rightfully vouched it; or should bring forward an oath which he might believe who made the claim. So we have ordained the same respecting ownership; that he should adduce unlying witness thereof, or bring forward the oath, if he could, of persons ^dunchosen, by which the claimant should be bound. But if he could not, then should be named

B. ¹¹ mæge *B.* ¹² þepe *B.* ¹³ ȝýf *B.* ¹⁴ Lýf *B.* ¹⁵ þone *B.* ¹⁶ þonne *H.* ¹⁶ mæhte *B.* ¹⁷ þone *B.* ¹⁸ vi. *B.* ¹⁹ ȝeburpcepe *B.*

—literally to over hear; that is, to hear, and neglect or refuse to obey. According to c. 2. it carried with it a penalty of 120 s.

^d This is the first notice of the 'cýpe-að' which occurs in the laws, and from the manner in which it is referred to, it seems to have been a form of process well understood. It is distinctly mentioned in the Capitulary for 593: 'Si litus, de quo inculpatur, ad sortem ambulaverit, mala sorte priserit, medietatem ingenui legem componat, et *juratores* sex medios *electos* dare debet.'

Ƴ beƷete þara Ʒýxa ænne æt anum hrýðene. oþþe æt þam
 orfe þe þæƷ peopð Ʒý. Ƴ Ʒýþþan Ʒexe be þæƷ ceapeƷ ¹æhte
 Ʒif þær ma to-Ʒýle. Eac Ʒe cƷæðan. Ʒif ²eniƷ ýfelna'
 manna Ʒære þe Ʒolde oðneƷ ýnfe to boƷƷe ³Ʒettan Ʒop
⁴Ʒiðer-tihtlan. þ he Ʒecýðe þonne mið aðe þ he hit Ʒop
 nanum Ʒacne ne ðýðe. ac mið ⁴ful Ʒýhte butan ⁵þneðe Ƴ
⁶biƷƷƷice. Ƴ Ʒe ðýðe þonne ƷƷa þer he ðopƷte þe hit man
⁷æt-ƷenƷe. ƷƷa he hit ⁸aƷnode ƷƷa he hit ⁹tyðmðe.

BE ÐONE ÐE OÐRUM RIPTES ÞYRNÐ.

II. Eac Ʒe cƷæðon hræƷ Ʒe Ʒýrðe Ʒære þe oðrum ¹⁰ƷýhteƷ
 Ʒýrnde aðop oþþe on boc-lande oþþe on Ʒolc-lande. ¹¹Ƴ þ he
 him ¹²ƷeanðáƷode of þam Ʒolc-lande' hƷonne he him Ʒiht
 Ʒophte beƷopþan þam ƷeƷeƷan. ¹³Enf he þonne nan Ʒiht
 næƷðe ne on boc-lande ne on Ʒolc-lande. þ Ʒe Ʒære þe Ʒihter
¹⁴Ʒýrnde ƷýlbiƷ .xxx. Ʒeif. Ʒið þone ¹⁵cýning. ¹⁶Ƴ æt oðrum
 cýnfe eac ƷƷa. æt þƷuððan cýnfe ¹⁷cýningeƷ ofeƷ-hýnfeƷe.
 þ Ʒ .cxxx. Ʒeif. buton he æƷ ƷeƷƷice.

BE MĀN-SÞORUM.

III. Eac Ʒe cƷæðon be þam mannum þe ¹⁸mān-ƷƷopþan ƷæƷan.
 Ʒif þ ƷeƷƷutelod Ʒære oþþe him ¹⁹að buƷƷte oþþe ofeƷcýðeð
 Ʒære. þ hý Ʒiþþan að-Ʒýrðe næƷon ac opðaleƷ Ʒýrðe.

BE FRYÐE.

IV. ¹⁹EaðƷearð cýning ²⁰mýnƷode hiƷ Ʒýtan þa hý æt

¹ eahte Ʒif *B.* ² hƷa ƷemeapƷa *B.* ³ Ʒeatan *B.* ⁴ ƷolcƷihter *B.*
⁵ þneðe *B.* ⁶ biƷƷice *B.* ⁷ æƷƷence *B.* ⁸ aƷnode *B.* ⁹ tyðmæðe *B.*
¹⁰ Ʒihter *B.* ¹¹ not in *B.* ¹² ~ *H.* ¹³ Enf *B.* ¹⁴ Ʒýrðe *B.*

^a A cross action. This mode of defence is altogether forbidden by Cnut, c. 24.; and, as one resorted to for purposes of delay and oppression, it is also declared void by the *Sachsenspiegel*: 'Von wiederklage (wither-tihtla) swelk man uppen anderen klaget unde jene wedeƷ up yne, die erst klaget die ne heuet dem anderen nicht to antwerdene he ne si aller erst von yme ledich. III. 12.: If any one bring an action against another, and he (again) sue him, the

to him six men of the same neighbourhood wherein he was resiant, and of the six let him get one for one ox, or for that cattle which may be the worth of this, and afterwards let it increase, according to the value of the property, if there ought to be more. Also we have ordained: if there were any evil-minded man who would put another's property in 'borh' for 'wither-tihltle,' that he should then declare on oath that he did it not 'from any knavery, but with full right, without fraud and guile,' and that he then should there do as he durst with whom it is attached: 'like as he it owned, so he it vouched to warranty.'

OF HIM WHO DENIES JUSTICE TO ANOTHER.

2. Also we have ordained of what he were worthy who denied justice to another, either in 'boc-land' or in 'folc-land,' and that he should give him a term respecting the 'folc-land' when he should do him justice before the reeve. But if he had no right either to the 'boc-land' or to the 'folc-land,' that he who denied the right should be liable in xxx. shillings to the king; and for the second offence, the like: for the third offence, the king's 'oferhyrnes,' that is, cxx. shillings, unless he previously desist.

OF PERJURORS.

3. Also we have ordained concerning those men who were perjurers; if that were made evident, or an oath failed to them, or were out-proved, that they afterwards should not be oath-worthy, but ordeal-worthy.

OF 'FRITH.'

4. King Edward exhorted his 'witan' when they were at

¹⁵ cýnniz B. ¹⁶ not in B. ¹⁷ cýnizer B. ¹⁸ H. ¹⁹ There is here a division in B. as for a distinct set of laws. ²⁰ mib B.

first suitor need not answer the other till the latter is entirely free from him.' See also *Stat. Stadensis*, p. 554.

^b The old Danish law adopts the same form of expression (brystæ logh, logh juramentum) for failing to produce the legal number of compurgators, or when one of the persons produced refused to join in the oath.

Exan-ceartne pæron. ¹þ hýʳ ymeaðon ealle hu heopa ²ƿruið beterne beon ³mæhte þonne hit ærþam .pær. ⁴ƿorþam him þuhte þ hit ⁵mæctor Ʒelæƿt pære þonne hit ƿcolde þ he ær beboden hæfde. Ðe aƷrode hý þa hpa to þære bote cýrnan polde. Ʒ on þære ⁶Ʒeƿerþæddene beon þe he pære. Ʒ þ lufian þ he lufode. Ʒ þ arċunian þ he arċunode. æƷðer Ʒe on ƿæ Ʒe on lande. þ iƿ þonne þ nan man oðrum ⁷ƿýhter ne ƿýrne. Ʒiƿ hit hpa ⁸ðð. bete ƿpa hit beforan aƿriten iƿ. æt forman cýrre .xxx. ƿciff. Ʒ æt oðran cýrre ealƿpa. Ʒ æt þriddan mið .cxx. ƿciff. ⁹þam cýninge:ʳ

BE LEREFAN ÐE MID RIPT NE AMANILE.

v. And ¹Ʒiƿ hit ƿe Ʒeƿeƿa ne amanige mið ƿuhte on þara manna Ʒeritnerre þe him to Ʒeritnerre Ʒetealde ƿýndon. þonne bete mine oƿerhýrnerre ²mið .cxx. ƿciff.:

BE ÐYFÐE BETOLENUM.

vi. Luf hpa ¹⁰þiƿðe ¹¹betðƷen ƿý. þonne niman hine on bopþ þa þe hine ¹²[æp] hlaƿonde beƿærton. þ he hine þær Ʒetƿýrƿize. oþþe oðere ƿýnd ¹³Ʒiƿ he hæbbe don þ ƿýlfe. ¹⁴Luf he nýte hpa hine on bopþ nime. þonne niman þa þe hit to-Ʒebýreð on hiƿ æhtan ¹⁵in-bopþ. Luf he naðor næbbe ne æhta ne oðerne bopþ. þonne healde hine man to dome:.

* pillen?

BE ÐON ÐE ÐEORA ALEN SELAN *NYLLON.

vii. Eac ic ¹⁶ƿýlle þ ælc man hæbbe ¹⁷ƿýmle þa men Ʒeapope on hiƿ lande þe ¹⁸læden þa men þe ¹⁹heopa ²⁰æƷen ƿecan ²¹pillen. Ʒ hý ƿor nanum ²²med-ƿceattum ne ƿerian. ne ²³ƿul napaƿ ƿruiðian ne ƿeormian. piller ne Ʒeƿealder:.

¹ not in B. ² mehte þone B. ³ ƿorþam B. ⁴ Ʒeƿeƿæbene B.
⁵ ƿihter B. ⁶ H. ⁷ þam cýnƷe B. ⁸ Ʒýƿ B. ⁹ not in B.
¹⁰ þiƿðe B. ¹¹ H. ¹² B. ¹³ Ʒýƿ hebbe B. ¹⁴ Luf B. ¹⁵ ƿille B.

^a The peace of the country, which has since been called the king's peace. It is thus defined by Haltaus, in voce Friede: 'Pax publica, quam dextra fideque jurata singuli olim cum in comitiis tum per provincias imperii firmabant per certos annos observandam, gravi pœna denunciata violatoribus.'

^b It is believed that this is a combination of letters altogether un-

Exeter, that they all should search out how their^a 'frith' might be better than it had previously been: for it seemed to him that it was more indifferently observed than it should be, what he had formerly commanded. He then asked them, who would apply to its amendment, and be in that fellowship that he was, and love that which he loved, and shun that which he shunned, both on sea and on land? That is, then, that no man deny justice to another: if any one do so, let him make 'bōt' as it before is written; for the first offence, with xxx. shillings; and for the second offence, the like; and for the third, with cxx. shillings to the king.

OF THE REEVE WHO DOES NOT LAWFULLY EXACT.

5. And if the reeve do not lawfully exact it, with the witness of those men who are assigned him to bear witness, then let him make 'bōt' my 'oferhyrnes,' with cxx. shillings.

OF THOSE ACCUSED OF THEFT.

6. If any one be accused of theft, then let those take him in 'borh' who before commended him to his lord, that he may justify himself thereof; or let other friends, if he have any, do the same. If he know not who will take him in 'borh,' then let those on whom it is incumbent take an 'in-borh' on his property. If he have neither property nor other 'borh,' then let him be held to judgment.

OF THOSE WHO WILL NOT SEEK THEIR OWN.

7. Also I will that every man have constantly those men ready on his land, who may lead those men who desire to seek their own, and for no meed-monies prevent them, nor anywhere protect or harbour a convicted offender, wilfully nor violently.

¹⁶ rýmble *B.* ¹⁷ ^ *H.* ¹⁸ hepa *B.* ¹⁹ ^ *H.* ²⁰ pillan *B.* ²¹ með-
rceatun *B.* ²² ^ *H.*

known to the Anglo-Saxon language. The true reading seems to be 'mættop,' the comparative of mæte, mediocris, moderatus. [The correct reading is, I doubt not, 'mættop.' See J. C. L. c. 10, where 'mættpe' occurs in the sense of 'inferior, worse.'—*T.*]

^c To take his goods in execution. In the Custumal of Hen. I. it is said: 'vel de suo aliquid pro inborgo retineatur.' c. 82.

BE DON ÐE FUL FRIDIAÐ.

viii. ¹Liſ hpa þiſ oſerhebbe ʒ hiſ aḡ ʒ hiſ ²pæð brece þe ³eal þeod ʒereald hæfð. bete ʒpa ⁴ðom-boc tæce. Liſ he þonne nelle. þoliʒe ure ealra ⁵freondſcipeſ. ʒ ealleſ þæſ þe he aʒe. ⁶Liſ hine hpa feorumiʒe ʒýþþan. bete ʒpa ʒeo dom-boc ⁷ſæcʒe. ʒ ʒe ʒcýle þe flýman ⁸feorumiʒe. ʒiſ hit ⁹ʒý heſ-inne. ʒiſ hit ⁹ʒý eaſt-inne. ʒiſ hit ʒý norð-inne. bete be þam þe þa ¹⁰ʒeppitu ſæcʒan:ʒ

BE DON ÐE ÞIS FREOT FORÞYRLE.

ix. ¹¹Liſ hpa þuþh ʒtæl-tihtlan ʒneot ʒorþýſce. ʒ hiſ hand on hand ʒýlle. ʒ hine hiſ maʒaſ ʒorlætcan. ʒ he ¹²nýte hpa him ʒore-bete. þonne ¹³ʒý he þæſ þeop-peorceſ pýrðe þe þæp-to ʒebýriʒe. ʒ oðfealle ʒe þeþ þam maʒum:.

BE ÐONE ÐE OÐRES MANNES MÂN UNDERFEÐÐ BUTAN LEAƿE.

x. Ne ¹⁴underfō nan man oðreſ manneſ man butan þæſ leaſe þe he æp ¹⁵ʒýliʒde. ʒ ¹⁶æp he ¹⁷[ʒý læðleap] pið ælce hand. ¹⁸Liſ hit hpa oð. bete mine ¹⁹oſerhýſneſſe:.

BE LEAƿOTE-ANDALUM.

xi. Ic ²⁰pille þ ælc ʒeſeſa hæbbe ʒemot á ýmbe feopep pucan. ʒ ʒeðon þ ælc man ʒý ʒolc-ſihter pýrðe. ʒ þ ælc ʒpſæc hæbbe ende ʒ andaʒan hpæenne hit ʒorð cume. ²¹Liſ hit hpa ²²oſerhebbe. bete ʒpa þe æp cþædon:.

¹ Liſ B. ² pæð B. ³ heal B. ⁴ H. ⁵ B. freondſcipeſ H. ⁶ Liſ B. ⁷ ſæcʒe B. ⁸ feorumiſe. ʒýſ B. ⁹ ʒi B. ¹⁰ ʒeppitu ſæcʒan B. ʒeppitu H. ¹¹ Liſ B. ¹² nýte B. ¹³ ʒi B. ¹⁴ H. ¹⁵ ʒýliʒde B.

^a These, perhaps, are the dooms now bearing the name of Alfred and Guthrum, and Edward and Guthrum. The 'ſpīð-gemal'

OF THOSE WHO PROTECT A CONVICTED OFFENDER.

8. If any one disregard this, and break his oath and his 'wed,' which all the nation has given, let him make 'bōt' as the doom-book may teach: but if he will not, let him forfeit the friendship of us all, and all that he has. If any one harbour him after that, let him make 'bōt' as the doom-book may say, and as he ought who harbours a fugitive, if it be here within. If it be in the east-country, if it be in the north-country, let him make 'bōt' according as the 'frith-gewritu' say.

OF HIM WHO FORFEITS HIS FREEDOM.

9. If any one, through a charge of theft, forfeit his freedom, and deliver himself up, and his kindred forsake him, and he know not who shall make 'bōt' for him; let him then be worthy of the 'theow'-work which thereto belongs, and let the 'wēr' abate from the kindred.

OF HIM WHO RECEIVES ANOTHER MAN'S MAN
WITHOUT LEAVE.

10. Let no man receive another man's man without his leave whom he before followed, and until he be blameless towards every hand. If any one so do, let him make 'bōt' my 'oferhynes.'

OF 'GEMÖT'-TERMS.

11. I will that each reeve have a 'gemōt' always once in four weeks; and so do that every man be worthy of folk-right: and that every suit have an end and a term when it shall be brought forward. If that any one disregard, let him make 'bōt' as we before ordained.

¹⁶ æp *B.* hæp *H.* ¹⁷ *B.* rýllað leaſ *H.* ¹⁸ Lȳf *B.* ¹⁹ oſephýnnȳſſe *B.*
²⁰ rýlle *B.* ²¹ Lȳf *B.* ²² oſephabbe *B.*

of Ethelred and Anlaf seems to be another example of the same kind.

¹[EFT HIS. AND LUDRUMES. AND
^aEADWEARDES.]

Ðiſ rýndon þa domar þe Ælfræd cýnæg y Luðrum cýnæg
 zecupian:.

And þiſ iſ ſeo ²geſædnýſ eac þe Ælfræd cýnæg y ³Luðrum
 cýnæg. y eft Eadwærd cýnæg y ³Luðrum cýnæg. zecupian
 y zecpædon. þa þa Engle y Dene to fríðe y to fræond-
 ſcipe fulllice ſengon. y þa riſtan eac þe rýþþan pæron
 ofſt y unſelban þ̅ ſeolfe ſenipodon y mid gode ⁴ge-
 hihſtan:.

⁵[Ðæt iſ æreſt] þ̅ hi zecpædon. þ̅ ⁶hí ænne God lupian
 polbon. y ælcne hæðendom georne ⁷apeorpan. And
⁸hiſ geſetton woruldlice ⁹ſteðra eac for þam þingum.
 þe hiſ riſtan þ̅ ¹⁰hiſ eller ne mihton manegum ge-
 ſteorpan. ne ſela manna nolde to godcundre bote eller
 zebuſan ¹⁰ſpā hý ſceolde. y þa woruld-bote hiſ ¹¹ge-
 ſetton gemæne Lriſte y cýnſe. ſpā ¹²hpāſ ſpā man
 nolde godcunde bote zebuſan ¹³mīd rihte to biſceopa
 dihte:.

1. And þ̅ iſ ¹⁴þonnon æreſt þ̅ hiſ zecpædon. þ̅ ¹⁵cýſic-
 gſið^b binnan paſum y cýningeſ hanð-gſið ſtande efne un-
 pemme:.

¹ B. ² geſædnýſſ B. ³ Luðrum B. ⁴ gehýhtan B. ⁵ B. Ðiſ
¹¹ ſettan B. ¹² B.H. ¹³ B.

^a Guthrum, as has been already stated, p. 152, died in the year 891. Edward succeeded his father Ælfred in 901. How, therefore, they could have been joint parties to this treaty can only be explained by supposing Edward, when very young, to have been associated in some degree with his father. But perhaps the rubric is erroneous, and some other person should be substituted for Guthrum, so far as Edward is concerned. [The party to this treaty with Edward was apparently a second Guthrum, who, according to Wal-lingford (pp. 539, 540), was living in Edward's time, and probably succeeded Eohric, the immediate successor of Guthrum I. See Sax. Chron., a° 905; Sim. Dunelm., a° 906; W. Malm., l. i. c. 6. The rubrics to these laws, which are very defective in the mss., have been partly supplied from Lambarde's edition.—T.]

AGAIN HIS, AND GUTHRUM'S, AND
^a EDWARD'S.

These are the dooms which king Alfred and king Guthrum chose.

And this is the ordinance also which king Alfred and king Guthrum, and afterwards king Edward and king Guthrum, chose and ordained, when the English and Danes fully took to peace and to friendship; and the 'witan' also, who were afterwards, oft and unseldom that same renewed and increased with good.

This is the first which they ordained: that they would love one God, and zealously renounce every kind of heathendom. And they established worldly rules also for these reasons, that they knew that else they might not many controul, nor would many men else submit to divine 'bōt' as they should: and the worldly 'bōt' they established in common to Christ and to the king, wheresoever a man would not lawfully submit to divine 'bōt,' by direction of the bishops.

1. And this is then the first which they ordained: that ^b 'church-grith' within the walls, and the king's 'hand-grith,' stand equally inviolate.

æporc *H.* ⁶ *B.H.* ⁷ apoppan *B.* ⁸ h₁ *B.* ⁹ *B.H.* ¹⁰ *B.*
¹⁴ þonon on *B.* ¹⁵ cīpīc- *B.*

^b The distinction between 'grið' and 'frið' must have been originally slight. In their future application 'frið' seems to have acquired a broader import, and to have been used for the king's peace in general, while 'grið' became limited to the king's protection given under the sign manual, or conferred by charter or statutory enactment. 'Frið' seems to have been a matter of right, the privilege of all within the pale of the law; 'grið' a personal and territorial franchise incident to men of a certain rank, such as the king, an archbishop, &c., and particular places, such as a church, monastery, the king's palace, or the residence of an ealdorman, &c. For examples of the king's hand-grith at a later period, see the letters of safe-conduct in Rymer's *Fœdera passim*.

II. And gif ¹hƿā Elytendom ƿýrde. ²oþþe hæðendom ƿeorðige. ƿorðer oþþe ƿeorcer. ƿýlde ƿra ƿer ƿra ƿite. ƿra ³lah-ſlitte. ^a be þam þe ⁴ſýo dæd ƿý:

III. And ƿýr gehadod man ⁵ƿerctlae oþþe ⁶ƿereohhte oþþe ƿorƿeruge oþþe ƿorlicge. ƿebete þ be þæm þe ƿeo ⁷dæde ƿý. ƿra be ƿere ƿra be ƿite. ƿra be ⁸lah-ſlitte. 4 ƿor Eode hýru bete ƿra canon tæce. 4 þæf boþh ƿinde oþþe ⁹on cancerne' ƿebuqe. And ¹⁰ƿýr mæſſe-ƿreort folc ¹¹myrýſſige æt ƿreolfe 4 æt ƿærtene. ƿýlde .xxx. ƿcift. mid Eſglum. 4 mid Denum ^bþreo healf. ¹²[marc.] Euf ƿreort to ƿiht andagan cƿýrman ne ¹³ƿecce. oþþe fulluhter ƿorƿýrne þam þe þæf þearf ƿý. ƿýlde ¹⁴ƿite mid Eſglum. 4 mid Denum lah-ſlit. þ 1ƿ tƿelf oƿan:

BE SIB-LEGERUM.

IV. And æt ¹⁵ſýb-legerum þa ƿitan ƿeræddan. þ cýnq ah þone ¹⁶uſepan. 4 byceop ¹⁷þone nýðepan. ¹⁸butan hit man ƿebete ƿor Eode 4 ƿor ƿoruld be þæm þe ƿeo ¹⁹dæde ƿý. ƿra byceop ƿetæce. ²⁰Euf tƿegen ƿebroðra oþþon tƿegen ²¹ƿenýhe-maƿar ƿið an ƿif ƿorlicgan. beten ²²ſſýðe ƿeorne ƿra ƿra man ƿeðarige. ƿra be ƿite. ƿra be ²³lah-ſlitte. be þam þe ƿeo ²⁴dæde ƿý:

²⁵Euf gehadod man hine ƿorƿýrce mid deað-ſcýlde. ²⁶ƿerilbe hine man. 4 healde to byceper dome:

V. And gif deað-ſcýldig man ƿerýt-ſƿræce ƿýrne. ne him man næfre ne ƿýrne. And ealle Eoder ²⁷ƿerhto ²⁸ƿorðige man ƿeorne be Eoder milðre. 4 be þam ²⁹ſitan je ƿitan to-leðan:

¹ *B.H.* ² oþþon *B.* ³ lahſlitte *B.* ⁴ ƿeo *B.* ⁵ ƿerctalige *B.* ⁶ ƿerehte *B.* ⁷ dæð *B.* ⁸ lahſlitte *B.* ⁹ *B.* ¹⁰ ƿýr *B.* ¹¹ myrýſſige *B.* ¹² *B.* marc *H.* ¹³ ƿæcce *B.* ¹⁴ *B.H.* ¹⁵ ſiblegerum *B.*

^a One of the Latin versions of Cnut's law gives the following account of the 'lahſlit': 'In lege Danorum erit reus forisfacturæ, quam Dani vocant lahslit. In lege eorum liberalis hominis vocant decem dimidie marce, hoc est quinque marce; hominis alodium habentes sex dimidie marce, hoc est tres marce; villani lahslit, quem Angli vocant cherlman, XII. ore.' The term is also found in the old

2. And if any one violate christianity, or reverence heathenism, by word or by work, let him pay as well 'wēr,' as 'wite' or ^a 'lah-slit,' according as the deed may be.

3. And if a man in orders steal, or fight, or forswear, or fornicate, let him make 'bōt' for it according as the deed may be, as well by 'wēr,' as by 'wite' or by 'lah-slit;' and, above all things, make 'bōt' before God as the canon teaches, and find 'borh' thereof, or yield to prison. And if a mass-priest misdirect the people about a festival or about a fast, let him pay xxx. shillings among the English, and among the Danes ^b three half-marks. If a priest fetch not the chrism at the right term, or refuse baptism to him who has need thereof, let him pay 'wite' among the English, and among the Danes 'lah-slit;' that is, twelve 'ores.'

OF INCESTUOUS PERSONS.

4. And concerning incestuous persons, the 'witan' have ordained, that the king shall have the upper, and the bishop the nether, unless 'bōt' be made before God and before the world, according as the deed may be; so as the bishop may teach. If two brothers or two near kinsmen commit fornication with the same woman, let them make 'bōt' very strictly, in such wise as it may be allowed, as well by 'wēr,' as by 'wite' or by 'lah-slit,' according as the deed may be.

If a man in orders foredo himself with capital crime, let him be seized and held to the bishop's doom.

5. And if a man guilty of death desire confession, let it never be denied him. And all God's dues let every one zealously further, by God's mercy, and by the 'wites' which the 'witan' have annexed thereto.

16 *ȝrepan B.* 17 *þæne B.* 18 *buton B.* 19 *ðæb B.* 20 *Ānð ȝȝf B.*
 21 *ȝenȝmazaȝ B.* 22 *ȝriðe B.H.* 23 *lahrlite B.* 24 *ðæb B.* 25 *Ānð B. add.* 26 *ȝepȝlbe B.* 27 *ȝrlite B.* 28 *ȝȝpðme B.* 29 *˘ B.H.*

Swedish law: 'Will thessi nämpd hwarti wärgä æller fælla, tha bote hwar theræ lagsliht: Si assessores reum nec condemnare nec absolvere voluerint, quilibet eorum *contumaciam* luat.' Hels. L. Kon. B. c. 6. 4. It is derived from 'lage'—(the final *g* and *h* are interchangeable)—law, and 'ȝlitan,' to slit.

^b [See p. 154, note ^a.—*T.*]

vi. ¹ Eaf hƿá' teoðunge ² fophealde. gýlde lah-ſlit mid Denum. ³ ƿíte mid Englum. ⁴ Eaf hƿá' ⁵ Róm-ƿeoh ⁶ fophealde. gýlde ⁷ lah-ſlit mid Denum. ƿíte mid Englum. ⁸ Eaf hƿá' ⁹ leoht-geƿceot ne ¹⁰ gelaſte. gýlde ¹¹ lah-ſlit mid Denum. ¹² ƿíte mid Englum. ¹³ Eaf hƿá' ¹⁴ ƿulh-ælmýrran ne ƿýlle. ¹⁵ gýlde lah-ſlit mid Denum. ¹⁶ ƿíte mid Englum. ¹⁷ Eaf hƿá' ænigra godcundra ¹⁸ geƿihta foppýrne. gýlde ¹⁹ lah-ſlit mid Denum. ƿíte mid Englum. ²⁰ And ²¹ gif he ƿigie ƿ man ²² geƿundie. beo hif ƿeƿer ƿeýldig. ²³ Eaf he man to deaðe geƿýlle. beo he þonne ²⁴ útlah. ƿ hif ²⁵ hente mid heaƿme ælc þara þe ƿiht ²⁶ ƿille. ²⁷ And ²⁸ gif he geƿýrce þ hine man aƿýlle þurh þ ²⁹ he onſean' Eodeſ ƿýht oþþe þeƿ cýnſer geonbýrde. ³⁰ gif man þ geƿoðige. hege ³¹ ægýlde.

BE FREOLS-DÆLES ƿEORLUÐ.

vii. Sunnan dæſer cýpinge ³² gif hƿá aſýnne. þolie þeƿ ceapeſ. ƿ tƿelf ³³ oƿena mid Denum. ƿ .xxx. ƿeall. mid Englum. ³⁴ Eaf fƿugman' fƿeolſ-dæge ƿýrce. þolie hif fƿeoteſ. oþþe

¹ And *B.* *add.* ' gýf *B.* ² fopheolde *B.* ³ *H.* ⁴ Eaf *B.* ⁵ *B.H.* ⁶ lahſlit *B.* ⁷ Eaf *B.* ⁸ hleoht- *B.* ⁹ gelaſte *B.* ¹⁰ lahſlit *B.* ¹¹ *H.* ¹² Eaf *B.* ¹³ gelde lahſlit *B.* ¹⁴ *B.H.* ¹⁵ Eaf *B.* ¹⁶ *B.H.* ¹⁷ geƿihta foppýna *B.* ¹⁸ lahſlit *B.* ¹⁹ gýf

^a The Glossarists make Rom-ƿeoh, Rom-ƿceat, and heopð-ƿænig one and the same due, and say that it consisted of a penny paid from every hearth. The author of the life of St. Alban, cited by Spelman, makes it a due collected for the support of the English school at Rome, and that it was paid by those only who had live-stock to the amount of 30 s.

^b A due of a penny annually collected from every plough used in tillage. 'De qualibet caruca juncta inter Pascham et Pentecostem, unum denarium, qui dicitur Plow-Almes.' *Monast. Angl.* i. f. 256.

^c The Latin version renders this phrase 'et persequatur eum cum clamore,' &c. In Cnut's dooms, where this law is republished, it is given by one MS. 'et capiat eum cum clamore;' by another, 'et cum clamore expellatur;' and by a third, 'et capiat eum cum damno.' With the exception of the last, all these versions adopt the import of the old German *harm*, calumnia, (hpeam A.-S.) and make it amount to the hue and cry of the Statute of Winchester. In this view of its meaning Mr. Kolderup Rosenvinge has illustrated the passage by the following extract from the Witherlags ret of Cnut: 'At si . . . terra perfugere maluisset, ad nemus usque pari militum cura comitandus erat, cunctis tam diu in ejus abitu expectantibus, quousque procul ipsum abesse cognoscerent. Ac tum

6. If any one withhold tithes, let him pay 'lah-slit' among the Danes, 'wite' among the English. If any one withhold ^a 'Rom-feoh,' let him pay 'lah-slit' among the Danes, 'wite' among the English. If any one discharge not 'light-scot,' let him pay 'lah-slit' among the Danes, 'wite' among the English. If any one give not ^b plough-alms, let him pay 'lah-slit' among the Danes, 'wite' among the English. If any one deny any divine dues, let him pay 'lah-slit' among the Danes, 'wite' among the English. And if he fight and wound any one, let him be liable in his 'wēr.' If he fell a man to death, let him then be an outlaw, and let every of those 'seize him with 'hearm' who desire right. And if he so do that any one kill him, for that he resisted God's law or the king's, if that be proved true, let him lie uncompensated.

OF WORKINGS ON A FESTIVAL-DAY.

7. If any one engage in Sunday marketing, let him forfeit the chattel, and twelve 'ores' among the Danes, and xxx. shillings among the English. If a freeman work on a fes-

B. ²⁰ ȝepunðia *B.* ²¹ Lȝf *B.* ²² ^ *H.* uðlah *B.* ²³ pȝlle *B.* ²⁴ ȝȝf
B. ²⁵ hine man ȝean *H.* ²⁶ ȝȝf *B.* ²⁷ ^ *H.* ²⁸ ȝȝf *B.* ²⁹ ope *B.*
³⁰ Lȝf fȝman *B.*

demum magno cum totius militiæ fragore ter valide edendus clamor, cunctaque strepitu miscenda fuerant, ne fugiturus ullo ad eos errore referri posset.' *Vide Saxo-Gram.* (ed. Stephani), p. 199. The last version, 'et capiat eum cum damno,' gives the literal meaning of the terms in their ordinary acceptation, and is, perhaps, the least objectionable of any. The verb 'hentan' occurs once again in Cnut's dooms, Pol. c. 19.: 'Lif je þonne beƿrte. nime þonne leaƿe. æȝðer ȝe heonan ȝe þanon. þæt he mote hentan æfter hyr aȝenan,' which is thus given in the Latin translation: 'quod si dies statutus fractus fuerit, accepta licentia a comitatu in eundo et redeundo ut possit accipere *name* quousque habeat sua:' or, according to another version of the close: 'ut abhinc et inde suum audeat perquirere.' In the Chronicle we have, 'Ænð namon eall þæt hie ȝehentan mȝhton: and took all that they might lay hands on.' The verb 'hentan,' therefore, seems to have been formed from 'hanð,' just as 'ȝranðan' forms 'ȝrent; and the meaning of the idiom appears to be, that they were to seize the offender by force, and in case he should make such resistance as to require extreme violence, the consequential harm was to be at his own risk. The close of the law provides that in this event he was to lie irredeemable, or without a claim for his *were* on behalf of his kindred.

gýlde ¹píte ofþe lah-rlite. Ðeopman ²þolie hīr hýde ofþe hýð-gýlðer. ³Liſ hlaforð hīr þeopan ſneolſ-dæge nýde to peorſce. gýlde lah-rlitte ⁴inne on ⁵Deone laze. 7 ⁶píte mið Englum.

BE FÆSTENUM.

viii. ⁷Liſ ſſugman' riht færten abſece. gýlde ⁸píte ofþe lah-rlite. ⁹Liſ hiſ þeopman ¹⁰gedð. þolie hīr ¹¹hýde ofþe hýð-gýlðer.

BE ORDELE AND AÐUM.

ix. Orðel 7 aðar ¹²ſýndan toceðene ſneolſ-dagum 7 riht færten-dagum. 7 ſeþe þ abſece. gýlde lah-rlit mið Denum. 7 ¹³píte mið Englum.

¹⁴Liſ man pealðan mæze. ne ðýde man næſſe on ſunnan dæger ſneolſe anizne ſorþýrhtne. ac pýlde 7 healde þ ſe ſneolſ-dæg azan ¹⁵ſe.

x. Liſ him-¹⁶[læpeo] lama þe ſorþorht pæne peorðe ſorlæten. 7 he æfter þam þreo ¹⁷niht alibbe. riþþan man mot hylpan. be biſceoper leaſe. ſeþe pýlle beorþan ſape 7 ſaule.

BE PILLEUM PILLERUM MÆN-SPORUM, &c.

xi. Liſ ¹⁸ſiccan ofþe ^aſiðlepaſ. ¹⁹man-ſporan ofþe' ^bmorð-þýrhtan. ofþe ſule aſýlede æbæne ^chop-cpenan ahpā on

¹ *B.* ² þolize *B.* ³ Liſ *B.* ⁴ ſe hlaforð *B. add.* ⁵ dæge *B.*
⁶ *H.* ⁷ Liſ ſuman *B.* ⁸ *H.* ⁹ Liſ *B.* ¹⁰ *B.H.* ¹¹ not in *B.*

^a The Latin versions render this term either 'incantatores' or 'incantatrices,' but it is clear from the compounds 'ſiðbeð-ſiðlepe, ſiðel-ſiðlepe, ſeþýrðe-ſiðlepe,' that it means a diviner in general.

^b This seems to refer to such as occasioned death and injuries by poison rather than to murder in its legal sense. The offence is spoken of by Fleta as a secret crime: 'Traditores . . . qui alicui *occulte venenum* præbuerint unde expiravit, et inde convincantur, detractentur et suspendantur.' Lib. i. c. 35.

^c It may be questioned, whether in Anglo-Saxon the word 'hop' ever refers to simple fornication or concubinage. The kindred dialects confine it to adultery, 'Ni hōrinōs,' M. Goth.: 'thou shalt not commit adultery.' Thus too in the Flensburg Statsret (An.

tival-day, let him forfeit his freedom, or pay 'wite' or 'lah-slit.' Let a 'theowman' suffer in his hide or 'hide-gild.' If a lord oblige his 'theow' to work on a festival-day, let him pay 'lah-slit' within the Danish law, and 'wite' among the English.

OF FASTS.

8. If a freeman break a lawful fast, let him pay 'wite' or 'lah-slit.' If a 'theowman' do so, let him suffer in his hide or 'hide-gild.'

OF ORDEAL AND OATHS.

9. Ordeal and oaths are forbidden on festival-days and lawful fast-days; and he who shall break that, let him pay 'lah-slit' among the Danes, and 'wite' among the English.

If it can be so ordered, no one condemned should ever be executed on the Sunday festival, but be secured and held till the festival be gone by.

10. If a limb-maimed man who has been condemned be forsaken, and he after that live three days; after that, any one who is willing to take care of sore and soul may help him, with the bishop's leave.

OF WITCHES, DIVINERS, PERJURERS, &c.

11. If witches or ^adiviners, perjurers or ^b'morth'-workers, or foul, defiled, notorious adulteresses, be found anywhere

¹² rýnbon B. ¹³ ^ H. ¹⁴ Líf B. ¹⁵ rý B. ¹⁶ ^ B. læpeo H. ¹⁷ nihte B. ¹⁸ pýcan B. ¹⁹ monþpan oppon B.

1284); 'Af byman sæcthær sin læghtheghæn kunæ for domær for hoor, af hun dyl, gif logh mæth tölf gildbröthær af hoghæst gild; worther hun fæld æt logh, hetæ sik *horkunæ*.' c. 75: 'If a burgher accuse his lawful wife before the doomsmen of whoredom, and she deny it, let her make oath with twelve gild-brothers (as compurgators) of the highest gild; if she fail in the oath, let her be called a *whore-quean*.' The Low-German version also reads, 'vor ene hore: as a whore;' and, 'so het se eyn hore: let her be called a whore.' In the same manner an adulterer is called a *hor-karl*: 'Fynder nogher en hor-karl i sengæ mæth syn echte konæ.' *Privilegia Civitatis Ripensis*, An. 1269, c. 44. 'If a man find an adulterer in bed with his lawful wife.'

lande purðan aȝýtene. þonne fýrre hi man of earde. ⁊ clænre þa þeode. ¹oþþe on earde forfære hý mid ealle. buton ²hi ȝeƿrican ⁊ þe deoppor ȝebetan:.

BE LEƿADEDUM AND ÆLDEODILUM.

xii. ³Liƿ man ȝehaðodne oþþe ældeodigne þurh ⁴eniz þing ⁵forriæde æt ⁶feð oþþe ⁷æt feore. þonne ⁸ƿceal him ⁹cýnȝ beon. oþþon eoƿl þær on lande ⁊ biſceop ¹⁰þere þeode. for mæȝ ⁊ for mund-boran. buton he ¹¹elleſ oðerne hæbbe. ⁊ bete man ȝeorne be þam ¹²þe ȝeo ¹³ðæde fý Ljufte ⁊ cýninge. ȝra hit ȝebýrȝe. oþþe þa ðæde ȝnece ȝriðe deore þe cýning fý on þeode:.

¹⁴þU MÆN SLEAL EYLDAN TPELF-þYNDES MÆN.

Tpelf-hýnder manneſ ƿer iſ tpelf-hund ¹⁵ſcýllinga:.

Tpý-hýnder manneſ ƿer iſ tpa-hund ȝcill:.

¹⁶Liƿ man oſrlægen peorðe. ȝýlde hine man ȝra he ¹⁷ȝe-boren fý. And riht iſ þ ȝe ȝlaȝa. ¹⁸ȝiþþan he ƿereſ be-ƿeððod hæbbe. finde þærto ƿær-borh be þam þe þærto ȝebýrȝe. þ iſ æt tpelf-hýndum ƿere ȝebýrȝað tpelf men to ƿer-borȝe. .viii. fæderen-mæȝðe. ⁊ .iiii. meðren-mæȝðe. Ðonne þ ȝeðon ¹⁹fý. þonne ȝære man ²⁰cýningeſ munde. þ iſ þ hý ealle ȝemænum handum of æȝðere mæȝðe on anum ƿærne þam ȝemende fýllan þ cýningeſ mund ſtande. of þam ðæȝe on .xxi. nihtan ȝýlde man .cxx. ²¹ȝcill. to healf-ſange æt tpelf-hýndum ²²ƿere. Ðealf-ſanȝ ȝebýrȝeð beapnum. bƿoðrum ⁊ fæderan. ne ȝebýrȝeð nanum mæȝe þ ²³[feoh] bute þam þe fý binnan cneore. of þam ðæȝe þe þ healf-ſanȝ aȝolðen fý. on .xxi. nihtan ȝýlde man þa man-bote. þær on .xxi. nihtan þ ²⁴fýht-ƿite. þær on .xxi. nihtan þær ƿereſ þ ²⁵ƿum-ȝýlb. ⁊ ȝra forð þ fulȝolðen fý on þam fýrte þe

¹ oþþon *B.* ² hiȝ *B.* ³ Ljuf *B.* ⁴ æniz *B.* ⁵ ^ *B.* ⁶ ^ *B.H.*
⁷ æt *B.* ⁸ ƿceol *B.* ⁹ cýnȝ *B.* ¹⁰ þære *B.* ¹¹ heller *B.* ¹² ȝeo *B.*
¹³ ðæð *B.* ¹⁴ *no rubr. in H.* ¹⁵ ſcýll. *B.* ¹⁶ Ljuf *B.* ¹⁷ boren *B.*

^a The first instalment of the were, and which for a ceorl appears to have been 20*s.* But whether part of this—12*s.* 6*d.*—was paid on the day the were was pledged, as stated in the Custumal of

within the land; let them then be driven from the country and the people cleansed, or let them totally perish within the country, unless they desist, and the more deeply make 'bōt.'

OF ECCLESIASTICS AND FOREIGNERS.

12. If any one wrong an ecclesiastic or a foreigner, through any means, as to money or as to life, then shall the king or the 'eorl' there in the land, and the bishop of the people, be unto him in the place of a kinsman and of a protector, unless he have another; and let 'bōt' be strictly made, according as the deed may be, to Christ and to the king, as it is fitting; or let him avenge the deed very deeply who is king among the people.

HOW A 'TWELVE-HYNDE' MAN SHALL BE PAID FOR.

A 'twelve-hynde' man's 'wēr' is twelve hundred shillings.

A 'twy-hynde' man's 'wēr' is two hundred shillings.

If any one be slain, let him be paid for according to his birth. And it is right that the slayer, after he has given 'wed' for the 'wēr,' find, in addition, a 'wer-borh' according as shall thereto belong; that is, to a 'twelve-hynde's' 'wēr' twelve men are necessary as 'wer-borh,' viii. of the paternal kin, and iv. of the maternal kin. When that is done, then let the king's 'mund' be established, that is, that they all of either kindred, with their hands in common upon one weapon, engage to the mediator that the king's 'mund' shall stand. In xxi. days from that day let cxx. shillings be paid as 'heals-fang' at a 'twelve-hynde's' 'wēr.' 'Heals-fang' belongs to the children, brothers, and paternal uncles; that money belongs to no kinsman, except to those who are within the degrees of blood. In xxi. days from the day that the 'heals-fang' is paid, let the 'man-bōt' be paid; in xxi. days from this, the fight-'wite,' in xxi. days from this, the ^a 'frum-gyld'

¹⁸ rýppan *B.* ¹⁹ rī *B.* ²⁰ cýniger *B.* ²¹ rýðl. *B.* ²² pæpe *B.* ²³ *B.*
²⁴ rýhto-pite *B.*

Henry I. c. 76., and the remainder after payment of the fight-wite, or whether the custom then noticed was only of local observance or a point of latter practice, is nowhere laid down.

ƿitan ¹Ʒeræden. ²Siþþan man mot ³mið lufe ofƷan. Ʒif man
³[pille] ƿulle ⁴ƿneondƿædene habban:.

Eal man Ʒceal æt cýrlicum ƿere be þære mæðe ðon þe
 him to-Ʒebýrdeð. ƿpa ƿe be tƿelf-hýndum tealðan:.

¹ Ʒeræððan *B.*

² Siþþan *B.*

^a The practice here briefly hinted at is thus recited in king Eric's
 Zealand Law: 'Ok hina skulæ thæt igen sweræ, han först thæt
 botæn tok, at thæt han hauær thær bötær takæt foræ han wil thæt
 ældræ hæfnæ hwærkæn mæth rath ællær mæth dath, hwærkæn af
 bornæ ok æy ubornæ thær mæth skulæ the wære sattæ ok læggæ

of the 'wēr;' and so forth, till it be fully paid, within the time that the 'witan' have appointed. After this they may depart^a with love, if they desire to have full friendship.

All men shall do with regard to the 'wēr' of a 'ceorl' that which belongs to his condition, like as we have said about a 'twelve-hynde' man.

³ *B.* hpile *H.*

⁴ ffeonðræððene *B.*

hændær samæn ok *minæs*. III. 27.: And he who has taken the bote shall swear that he never will avenge the deed for which he has taken the bote, neither by counsel nor by deed, neither upon the born nor the unborn, (and) therewith shall they be reconciled, and lay their hands together, and *kiss each other*.'

OF OATHS.

DU SE MĀN SLEAL SPERIE.

¹ DUS MĀN SLEAL SPERILEAN PYLD-ADAS.^a

i. On þone Drihten þe ²þer ³haligdom is ƿone halig. ic
⁴pille beon N. hold ƿ ⁵Ʒetƿe. ƿ eal lufian þ he lufað. ƿ eal
 aƿcunian þ he ⁶aƿcunað. æfter Godeƿ rihte ƿ æfter ƿorold-
 Ʒepýrnum. ƿ næfre piller ne Ʒepealdeƿ. ƿorðer ne ƿeoƿer.
 * þær þe? opiht don * þær him laðne bið. rið þam þe he me healðe ƿƿa
 ic eapnian pille. ƿ ⁷eall þ lærte þ uncer ƿorpmæl þær þa ic to
 him Ʒebeah ƿ hiƿ pillan Ʒecear.

DUS MĀN SLEAL SPERILEAN DONNE MĀN ƿAFD ƿIS
 ƷEPT EEBRYID AND BRINLEÐ ƿI ƿON EANLE.

ii. On þone Drihten þe ⁸þer haligdom is ⁹ƿone halig. ƿƿa
 ic ƿƿæce ðriƿe mið fullan ƿolc-rihte. butan bƿæde ƿ butan
¹⁰býrƿice. ƿ butan ¹¹æƷhpýlcum ƿacne. ƿƿa me ¹²þeoƿ-ƿolen
 þær þ oƿ N. þ ic onƿece. ƿ þ ic mið N. befangen hæbbe.

ÐÆS OÐRES AD ÐE MĀN ƿIS ORF ƷET-BRYIDED.

iii. On þone Drihten næƿ ic æt ƿæde ne æt dæde. ne

¹ *This and the following rubrics are all from B.* ² þær B. ³ halig-
⁹ ƿone eh B. ¹⁰ ƿice B.

^a These oaths and the pieces immediately following are found differently arranged in the different mss. Their respective dates must therefore be left to some future discovery; though it seems not unreasonable to suppose, from internal evidence, that they cannot have had a later origin than the period in which they here stand. Some of them are probably much earlier.

It is impossible to read the oaths without perceiving at every turn their rhythmical quantity and alliteration. An ear any way accustomed to Anglo-Saxon poetry will easily detect the disjointed members of their poetic formulæ, and instinctively arrange them in the order in which they ought to stand. [It is, however, to be observed,

O F O A T H S.

HOW THE MAN SHALL SWEAR.

THUS SHALL A MAN SWEAR FEALTY OATHS.

1. By the Lord, before whom this relic is holy, I will be to N. faithful and true, and love all that he loves, and shun all that he shuns, according to God's law, and according to the world's principles, and never, by will nor by force, by word nor by work, do aught of what is loathful to him; on condition that he me keep as I am willing to deserve, and all that fulfil that our agreement was, when I to him submitted and chose his will.

THUS SHALL A MAN SWEAR WHEN HE HAS DISCOVERED HIS PROPERTY, AND BRINGS IT ^bIN PROCESS.

2. By the Lord, before whom this relic is holy, so I my suit prosecute with full folk-right, without fraud and without deceit, and without any guile, as was stolen from me the cattle N. that I claim, and that I have attached with N.

THE OTHER'S OATH WITH WHOM A MAN DISCOVERS HIS CATTLE.

3. By the Lord, I was not at rede nor at deed, neither

son *B.* ⁴pylle *B.* ⁵ζετρύπε *B.* ⁶arcunoð *B.* ⁷eal *B.* ⁸pær *B.*
¹¹æghpilcum *B.* ¹²forptolen *H.*

that in these and similar pieces, neither metre nor alliteration is constant, and that the latter, when it does occur, is usually unlike the common poetic alliteration, having no 'chief letter' (*höfuðstafr*) in the second line. The use of this kind of alliteration in early laws and judicial documents, as well as of final rime, was common to all the Germanic and Scandinavian nations. Those who wish to see more on the subject may consult Grimm's '*Deutsche Rechts Altherthümer*,' p. 6.—*T.*]

^b [I have thus rendered 'on *gange*,' on the presumption that *gang* is here equivalent to the German *Recht-Gang*, 'processus juris.'—*T.*]

Ʒepita ne Ʒepýrhta. þær man mid 'unrihte N. oþf ætfepebe. Ac Ʒpa ic oþf hæbbe Ʒpa ic hit mid rihte beƷeat. ^{a1}And. Ʒpa ic hit týme Ʒpa hit me Ʒe Ʒealde þe ic hit nu on hand Ʒette. And. ²Ʒpā ic oþf hæbbe. Ʒpa hit me Ʒe Ʒealde þe hit to Ʒýllanne ³ahte. And. Ʒpa ic oþf hæbbe. Ʒpa hit of minum aƷnum þingum com. y Ʒpa hit on folc-riht min aƷen ⁴æht iƷ y min in-foŷter:.

ÐES AÐ ÐE ÞIS ƷEPTE BRYIDEÐ ÐÆT ÞE NE DÆÐ NE
FOR ÞETE NE FOR ÞOLE.

iv. On þone Drihten ne ⁵teo ic N. ne Ʒor hete ne Ʒor ⁶hole ne Ʒor unrihtre feoh-ƷýrnerƷe. ne ic nan Ʒoðne nat bute Ʒpa min ƷecƷa me Ʒæbe. y ic Ʒýlf to Ʒoðe talige. þ he mineƷ oþfeƷ þeoƷ Ʒære:.

* l. þæt.

ÐES OÐRES AÐ * ÐE ÞE IS UNSLYLDIL.

v. On þone Drihten ic eom unƷýldig. æƷðer Ʒe ðæbe Ʒe ðihter. æt ⁷þære tihctlan þe N. me ⁸cihð:.

ÞIS LEFERAN AÐ ÐE ÞIM MID-STANDAÐ.

vi. On þone Drihten Ʒe að iƷ clæne y unmaene þe N. ƷƷor:.

AÐ LIF MÂN AFINDEÐ ÞIS ƷEPTE SYÐÐAN ÞE ÞIT
LEBOÞTE ÞAFED UNÞAL.

vii. On ⁹Ʒalmihtigef ƷodeƷ naman. þu me behete hal y clæne þ þ þu me ƷealdeƷt. y ¹⁰fulle ¹¹þære rið æfter-ƷƷpæce. on þa ¹²ƷepitnerƷe þe unc þa mid ƷæƷ N:.

ÞU ÞE SLEAL SPERILEAN ÐE MID OÐRE ON LEÞITNESSE
STANDAÐ.

viii. On ¹³Ʒalmihtigef ƷodeƷ naman. Ʒpa ic heƷ N. on Ʒoðne ¹⁴ƷepitnerƷe Ʒtande. unabeden y ungeboht to. Ʒpa ic mid minum egum oƷerƷeah y minum earum oƷerhýrðe þ þ ic him mid ƷæcƷe:.

1 ¹ H. 2 ² H. 3 aƷte H. 4 æht H. æhte B. 5 te B. 6 hele H. 7 þepe B. 8 tihð B. 9 Ʒalmihtigef B. 10 fulle H. full B. 11 þære B. 12 ƷepitnerƷe H. 13 Ʒalmihtigef B. 14 ƷepitnerƷe B.

counsellor nor doer, where were unlawfully led away N.'s cattle. But as I cattle have, so did I lawfully obtain it. ^a And: as I vouch it to warranty, so did he sell it to me into whose hand I now set it. And: as I cattle have, so did he sell it to me who had it to sell. And: as I cattle have, so did it come of my own property, and so it by folk-right my own possession is, and my rearing.

THE OATH OF HIM WHO DISCOVERS HIS PROPERTY,
THAT HE DOES IT NOT EITHER FOR HATRED OR
FOR ENVY.

4. By the Lord, I accuse not N. either for hatred or for envy, or for unlawful lust of gain; nor know I any thing soother; but as my informant to me said, and I myself in sooth believe, that he was the thief of my property.

THE OTHER'S OATH THAT HE IS GUILTLESS.

5. By the Lord, I am guiltless, both in deed and counsel, of the charge of which N. accuses me.

HIS COMPANION'S OATH WHO STANDS WITH HIM.

6. By the Lord, the oath is clean and unperjured which N. has sworn.

OATH IF A MAN FINDS HIS PROPERTY UNSOUND
AFTER HE HAS BOUGHT IT.

7. In the name of Almighty God, thou didst engage to me sound and clean that which thou soldest to me, and full security against after-claim, on the witness of N., who then was with us two.

HOW HE SHALL SWEAR WHO STANDS WITH|
ANOTHER IN WITNESS.

8. In the name of Almighty God, as I here for N. in true witness stand, unbidden and unbought, so I with my eyes over-saw, and with my ears over-heard, that which I with him say.

^a Here the oath is accommodated to the various circumstances under which the defendant denies the charge.

ÆÐ ÐÆT ÐE NYSTE NE FUL NE FÆLEN.

ix. On ¹Ʒelmihtiges Godes naman. nýrte ic on þam þingum þe þu ýmbe rrecer ful ne facn ne ²pac ne pom. to þære ³ðælg-tíde þe ic hit þe realde. ac hit ægðer þær ge hal ge clæne ⁴butan ælcon facne:.

x. ⁵On lifrendes Godes naman. rpa ic feor biððe. rpa ic panan hæbbe þær þe me N. behet þa ic him min realde:.

ÆNDSÆLLE.

xi. On lifrendes Godes naman. ne þearf ic N. rceatt ne ⁶realling. ne ⁷pænig ne ⁸pæniges peorð. ac eal ic him ge-lærte þ þ ic him rcolde. rpa forð rpa uncne porð-gecrýðu fýrmerc pæron:.

⁹BE GEPADODRA MÆNNA AÐE AND PÆD-BOTE.

xii. Mærgre-ppeorces að y ¹⁰porulb-þegenes iſ ¹¹on Engla-lage ¹²gecealb efen-¹³ðýne. y for þam feoron ¹⁴cýric-haðan þe re ¹⁵mærgre-ppeorces þurh Godes gife ¹⁶geþeáh þ he hæfde. ¹⁷he bið þegen-rihtes rýrðe:.

BE MÆRLISLÆN AÐE.

xiii. Trefe-¹⁸hýndes mannes að ¹⁹forſtent .vi. ceopla að. forþam gif man þone ²⁰trefe-hýndan' ²¹man rpecan ²²rceolde. he bið ²³full-unecan on rýx ceoplan. y hiſ ²⁴per-gýlb bið riſ ceopla ²⁵per-gýlb:.

¹ Ʒelmihtiges *B.* ² ðælg-tíde *H.* ³ butan *H.* ⁴ no rubric in *B.* ⁵ gý panan *H.* panan *B.*; but gý or something like it was originally inserted, and afterwards erased. ⁶ reýlling *H.* ⁷ pænig *H.* ⁸ pæniges *H.* ⁹ The two succeeding laws are from *H.* collated with *D.* and with *Lambard.* No rubrics in *H.* ¹⁰ porulb-þegenes *D.* ¹¹ o *H.* ¹² bið gelic geðemeð *Lamb.* ¹³ ðine *D.* ¹⁴ cýriclicum anðebýrðnyſsum

^a [Wilkins takes *pacne* for an adjective, and translates *pacne pom* 'vilem maculam.' Mr. Price adopted the same reading, which he rendered 'weakly blemish.' My translation of *pac* as a noun sub-

OATH THAT HE KNEW NOT OF FOULNESS OR FRAUD.

9. In the name of Almighty God, I knew not, in the things about which thou suest, foulness or fraud, or infirmity or blemish, up to that day's-tide that I sold it to thee; but it was both sound and clean, without any kind of fraud.

10. In the name of the living God, as I money demand, so have I lack of that which N. promised me when I mine to him sold.

DENIAL.

11. In the name of the living God, I owe not to N. 'sceatt' or shilling, or penny or penny's worth; but I have discharged to him all that I owed him, so far as our verbal contracts were at first.

OF THE OATH AND DEGREE-*'BŌT'* OF MEN IN ORDERS.

12. A mass-priest's oath, and a secular thane's, are in English-law reckoned of equal value; and by reason of the seven church-degrees that the mass-priest, through the grace of God, has acquired, he is worthy of thane-right.

OF THE MERCIAN OATH.

13. A 'twelf-hynde' man's oath stands for six 'ceorls' oaths: because, if a man should avenge a 'twelf-hynde' man, he will be fully avenged on six 'ceorls,' and his 'wer-gild' will be six 'ceorls' 'wer-gilds.'

Lamb. 15 *pneort D.* 16 *~ D.* 17 *not in D.* 18 *henber D.* 19 *bið* *peorð* *gýx ceoplycra manna ađar. forþæm þe mon mot twelf-henben* *man xeppecan fullan upæce be gýx ceoplum 7 hir pergýlb bið gýx* *ceopla pergýlba.* *Lamb.* 20 *xii. henban D.* 21 *not in D.* 22 *rcolbe* *D.* 23 *ful- D.* 24 *pergýlb D.*

stantive (*O.H.G. Weihi, mod. Weiche*,) is founded, not only on the form of the sentence itself, but on the authority of the Macro ms., which has '*nec fūl nec facnum n° pác n° pom,*' &c.—*T.*]

¹ Ðiſ becpæð ƿ becpæl. ƿeþe hiſ ahte. mið fullan folc-ſihte. ƿƿa ƿƿa hiſ hiſ ƿlðpan. mið ſeo ƿ mið ſeoƿe. ſihte beƿeaton. ƿ letan ƿ læſðan. þam to ƿeƿealde. þe hƿ ƿel uðan. And ƿƿa ic hiſ hæbbe. ƿƿa hiſ ƿe ƿealde. þe to ƿƿllanne ahte. unbriðde ƿ unſorboðen. ƿ ic hiſ aƿnian ²ƿille. to aƿenƿe æhte. þ þ ic hæbbe. ƿ næſƿe ³þe mƿntan. ne ƿlot ne ƿloh. ne tuſſ ne toſſ. ne ſuſh ne ſot-mæl. ne land ne ⁴læſſe. ne ſeſſe ne meſſe. ne ſuð ne ſum. ƿuðeſ ne ſeðeſ. landeſ ne ƿſpandeſ. ƿealdeſ ne ƿateſeſ. ^abutan þ læſſe. ⁵þe hƿile ⁶þe ic libbe. ſorþam niſ ⁷ænuman on liſe. þe æſſe ƿehƿiðde. þ man cƿƿðde oþþon cƿaſode. hine on ⁸hundſæðe. oþþon ahpap on ƿemote. on ceap-ſſtope. oþþe on cƿƿuc-ƿape. þa hƿile þe he ⁹liſeðe. Unſac he ƿæſ on liſe. beo on leƿeſe. ƿƿa ƿƿa he mote. Do ƿƿa ic læſe. beo þe be þinum. ƿ læſ ¹⁰me be minum. ne ƿƿiſne ic þineſ. ne læðeſ ne landeſ. ne ƿace ne ſocne. ne þu mineſ ne ¹¹þearſſe. ne mƿnte ic þe nan þinƿ:

¹*The text is from B. and the variations from H.* ²ƿille *H.* ³þæt
⁸hundſeðe *H.* ⁹liſe *H.*

^a [Butan þ læſſe. I offer my version of these words with much hesitation; butan, although our *but* be derived from it, occurring rarely in that acceptance in pure Anglo-Saxon. An authority, however, for giving it that signification in the present instance is found

Bequeathed it, and died, he who it owned, with full folk-right, so as it his elders, with money and with life, lawfully got, and let and left, in power of him, whom they well gifted. And so I it have, as he it gave, who had it to give, without fraud and unforbidden; and I will possess it, as my own property, that that I have; and ne'er for thee design, nor plot nor ploughland, nor turf nor toft, nor furrow nor foot-mark, nor land nor leasowe, nor fresh nor marsh, nor rough nor plain, by wood nor by field, by land nor by strand, by weald nor by water, ^a but that will maintain, the while that I live; for there is no man alive, who ever heard, that any one made plaint against, or summoned him at the hundred, or anywhere at 'gemōt,' in market-place, or among church-folk, the while that he lived. Sackless he was in life, be he in the grave, so as he may. Do as I teach: be thou with thine, and leave me with mine: I covet not thine, nor 'læth' nor land, nor 'sac' nor 'soen;' nor needest thou mine; nor design I to thee any thing.

¹ yntan *H.* ⁴ læfe *H.* ⁵ dæ *H.* ⁶ þe *H.* ⁷ inſetman *H.*
¹⁰ me *H.* ¹¹ þæpæt *H.*

in Boethius, III. 1.: buton ic þæt, 'but I know.' Mr. Price's version was, 'except that last,' which, besides being apparently void of meaning, requires that butan should govern an accusative case (þæt), instead of its constant dative.—*T.*]

¹ NORÐ-LEODA LALA.

I. ²Norð-leoda cýnzer gýlb 17' .xxx. þurend þrýmra. fí-
tene þurend þrýmra ³bíð þær ⁴per-gýldey. .xv. þurend þær
cýne-domey. Se per geybnað maðum. 7 reo cýne-bot þam
leodum:.

II. ⁵Æficey 7' æðelingey per-gýlb 17 .xv. þurend þrýmra:.

III. ⁶Byrceper 7 ⁷ealþormanner .viii. ⁸þurend þrýmra:.'

IV. Ðoldey 7 ⁹cýningey ¹⁰heah-gepēfan .iiii. ¹¹þurend þrým-
ra:.'

V. ¹²Wæpge-þezney 7 þopulð-þezney' .ii. ¹³þurend þrýmra:.'

VI. Leopley per-gýlb 17 .cc. 7 .LXVI. þrī. ¹⁴þ bíð .ii. hund
¹⁵7cūf. be Wýrcna lage:.

VII. And 7if Þilif[c] man gefeo þ he hæbbe hupre landey
7 ¹⁶mæge ^acýningey ¹⁷gafof forð-brunðan. þonne ¹⁸bíð hif per-

I. ^bÐær cýningey per-gýlb 7ie mīð Engla cýnne on folc-
pūht. þrýttaz þurend þrumra. 7 þæra .xv. m. 7ien þær pærey.
7 oðra .xv. m. þær cýne-domey. Se pære belýmpað to þam
mæzðe þær cýne-cýnney. 7 þ cýne-bot to þam land-leod:.

II. Ærcebyrceoper 7 eopley pær-gýlb bíð .xv. m. þrumra:.

VI. Leopley pære-gýlb bíð cc.LXVII. þrumra be þam Dena-
laga:.

VII. And 7pealirc-monney per-gýlb. 7if he beo to þam ge-
pelegoð. þ he hýped. 7 eht age. 7 þam cýng gafof gýlðan

¹ Be pergýlbe. *H.* ² Lýnzer pergýlb 17 mne mīð Englum on folc-
pūht *H.* ³ býð *H.* ⁴ pærey *H.* ⁵ not in *H.* ⁶ Byrceoper *Lamb.*
⁷ ealþormanner *H.* ⁸ m. *L.* ⁹ not in *H. Lamb.* ¹⁰ heh-gepēfan *H.*

^a From this and other passages in the dooms of Alfred and Ine, there seems to have been little difference between the condition of the Welshman and the Romanus tributarius of the Salic law.

THE NORTH PEOPLE'S LAW.

1. The North people's king's 'gild' is xxx. thousand 'thrymsas;' fifteen thousand 'thrymsas' are for the 'wer-gild,' and xv. thousand for the 'cyne-dom.' The 'wēr' belongs to the kindred, and the 'cyne-bōt' to the people.

2. An archbishop's and an ætheling's 'wer-gild' is xv. thousand 'thrymsas.'

3. A bishop's and an 'ealdorman's,' viii. thousand 'thrymsas.'

4. A 'hold's' and a king's high-reeve's, iv. thousand 'thrymsas.'

5. A mass-thane's and a secular thane's, ii. thousand 'thrymsas.'

6. A 'ceorl's' 'wer-gild' is cc. and LXVI. 'thrymsas,' that is cc. shillings by Mercian law.

7. And if a 'Wilisc'-man thrive so that he have a hide of land, and can bring forth the 'king's 'gafol,' then is his 'wer-

1. Let the king's 'wer-gild' be with the English race, by folk-right, thirty thousand 'thrymsas,' and of these, let xv. thousand be for the 'wēr,' and the other xv. m. for the 'cyne-dom.' The 'wēr' belongs to the kindred of the royal family, and the 'cyne-bōt' to the people of the country.

2. An archbishop's and an 'eorl's' 'wer-gild' is xv. m. 'thrymsas.'

6. A 'ceorl's' 'wer-gild' is cclxvii. 'thrymsas' by the Danish law.

7. And a 'Wylisc'-man's 'wer-gild,' if he be to that degree enriched that he have a hide of land and property, and can

hehgeƿeƿar *L.* ^{11'} þurenba *L.* ^{12'} ƿeƿe- 7 ƿeopolb- *L.* ^{13'} m.
 þumra *L.* ¹⁴ þæt þæt *H.* ¹⁵ ƿcýllinga *H.* ¹⁶ maze *H.* ¹⁷ gafel *H.*
¹⁸ byð *H.*

^b The following variations of the text are from Lambarde; the ms. which he transcribed has not been found. The numerals have been added for the purpose of reference: nos. iii.-v. are collated.

gild ¹.c.xx. ꝛcīfl. And gif he ne geþeo buton to healrpe hīde-
þonne ²ꝛ1 hīr peꝛ .lxxx. ꝛcīfl.:

viii. And gif he ænig land næbbe. ȝ þeah ꝛneoh ³ꝛý. ꝛor-
gilde^e hine man mid .lxx. ꝛcīfl.:

ix. And gif ceorlīc man geþeo ꝥ he hæbbe .v. hīða landeȝ
to cýnȝeȝ ^aut-ƿape. ȝ hine man oꝛlea. ⁴ꝛorȝilde man hine
mid tꝛam þýrenð þꝛumȝa.:

x. And þeah he geþeo ꝥ he hæbbe helm ȝ býrnan ȝ ȝolde
ƿæteð ꝛpeorð. gif he ꝥ land naƿað. he ⁵bið ceorl ꝛpa þeah.:

xi. And gif hīr ſunu ȝ hīr ſunu-ſunu ꝥ geþeoð ꝥ hī ꝛpa
micel landeȝ habban. ꝛiþþan ⁵bið ȝe oꝛꝛꝛunc ȝeꝛiðcundeȝ
cýnneȝ. be tꝛam þýrendum.:

xii. And gif hī ꝥ nabbað. ne to þam geþeon ne maȝan.
⁶ȝilde man cīrlīcē.:

mæȝ. hīc bið þon .cc.xx. ꝛcīfl. Ac he ne bið butan to
healȝ hýða ȝeꝛýren. þonne ȝie hīr peȝe .lxxx. ꝛcīfl.:

viii. Gīȝ he land næbbe. ac bið ꝛneoh. ȝýlb mon .lxx.
ꝛcīfl.:

ix. Gīȝ ceorl ȝie ȝepeleȝoð to þam ꝥ [he] aȝe .v. hýða
landeȝ. ȝ mon hine oꝛlea. ȝýlb hine mon mid .ii. m. þꝛumȝa.:

x. And gif he beȝýtað ꝥ he hæbbe býrne ȝ helm ȝ oꝛeȝ-
ȝýlbene ꝛpeorð. þeah þe he land næbbe. he bið ȝiðcund.:

xi. And gif hīr ſunu ȝ þæȝ ſun-ſunu ꝥ beȝýten ꝥ he ꝛpa
micle landeȝ habbað. ȝien hioȝa aꝛteȝ-ȝenȝaȝ þæȝ ȝiðcunda[n]
cýnneȝ. ȝ ȝýlb þam mon mid .ii. m. þꝛumȝa.:

¹ cc.xx. H.

² ꝛý H.

³ ꝛý ꝛorȝýlbe H.

^a Such is the reading of all the mss. It is no substitution for
ut-ƿape, as supposed by Lye, but the Lantweri of the Germanic
codes: 'Et quia in hostem aut propter terram defendendam, aut
propter acquirendam itur, de Lantweri, id est de patriæ defensione,

gild' cxx. shillings. And if he thrive not except to half a hide, then let his 'wēr' be lxxx. shillings.

8. And if he have not any land, and yet be free, let him be paid for with lxx. shillings.

9. And if a 'ceorlish' man thrive, so that he have v. hides of land for the king's ^a 'ut-ware,' and any one slay him, let him be paid for with two thousand 'thrymsas.'

10. And though he thrive, so that he have a helm and coat of mail, and a sword ornamented with gold, if he have not that land, he is nevertheless a 'ceorl.'

11. And if his son and his son's son so thrive, that they have so much land; afterwards, the offspring shall be of 'ge-sithcund' race, at two thousand ['thrymsas.']

12. And if they have not that, nor to that can thrive, let them be paid for as 'ceorlish.'

pay 'gafol' to the king, it is then ccxx. shillings. But if he be only risen to half a hide, then let his 'wēr' be lxxx. shillings.

8. If he have no land, but is free, let him be paid for with lxx. shillings.

9. If a 'ceorl' be enriched to that degree, that he have v. hides of land, and any one slay him, let him be paid for with ii. m. 'thrimsas.'

10. And if he acquire so that he have a coat of mail and a helmet, and an over-gilded sword, if he have not that land, he is 'sithcund.'

11. And if his son and the son's son that acquire, that they have so much land, let their successors be of the 'sithcund' kin, and let them be paid for with ii. m. 'thrimsas.'

⁴ forpȳlbe *H.*

⁵ byð *H.*

⁶ ȳlbe *H.*

non aliter nisi secundum istum modum, in lege aut in capitulis Imperatorum scriptum habemus.' Cod. Remensis ap. Du Cange, in voce.

1 BE WIRENÆ-LÆLE.

Leopler ²per-gild ³īr on Wýrcna ⁴lage .cc. jciſſ. ⁵Dezner
⁶per-gild' īr rýx rpa micel.' ⁷þið .xii. ⁸hund jciſſ. Ðonne
⁹bið cýnſer' anfeald ¹⁰per-gild .vi. þegna ¹¹per' be Wýrcna
¹²lage.' ¹³þ īr .xxx. þurenð rceatta. ¹⁴þ þið ealler .c.xx.
 punða.' ¹⁵þa micel ¹⁶īr þær per-gildeſ on ¹⁷folceſ folc-rihteſ
 be Wýrcna lage.' And ſor þam ¹⁸cýne-ðóme ¹⁹geþiſað oðer
 rpiſc to boſe on cýne-²⁰gilde. Ðe per ²¹geþiſað maſum. 7 ſeo
 cýne-bot þam leodum:.'

R A N K S.

BE ²⁰[LEOD-]LEODINGÐUM AND LÆLE.

I. ²¹Ðiſ þær hpiſum. ²²on Engla laſum.' þ leod 7 laſu. ſor
 be ²³geþincðum. 7 þa þær on ²⁴[þeod-]ſiſtan. ²⁵þeopðſiſer
²⁶þýrðe. ælc be hiſ mæðe. ²⁷eoſl ²⁸7 ceopl. ²⁹þegen ³⁰7
 þeoden.

II. And 7iſ ceopl geþeah. þ he hæfðe fullice. ³¹ſiſ ³²hiða
 aſener landeſ. ³³ciſcan 7 kýcenan.' ³⁴bell-huſ 7 buſh-geat-
 ſetl. 7 ³⁵ſunder-note. on cýnſer healle. þonne þær he ³⁶þonon-
 ſorð. þegen-ſihteſ ³⁷þeopðe.

III. And ³⁸7iſ þegen' geþeah. þ he þenode cýnſe. 7 hiſ
³⁹það-ſeſne. ⁴⁰það on hiſ hiſede. 7iſ he þonne hæfðe. þegen
 þe him ſiliſðe. þe to ⁴¹cinſer ⁴²ut-ſape. ſiſ ⁴³hiða hæfðe. 7

¹ *no rubric in H.* ² *pergýlb H.* ³ *bið L.* ⁴ *lanb L.* ⁵ *Dezener
 pergýlb H.* ⁶ *rýxſealb þam L.* ⁷ *býð H.* ⁸ *hundþeð H.*
⁹ *býð cýnſer H.* ¹⁰ *pergýlb rýx þegena pergýlb H.* ¹¹ *pergýlb
 L.* ¹² *laſa D.* ¹³ *not in H.* ¹⁴ *not in L.* ¹⁵ *bið ſe pergýlb. ac ſor
 þær ſiſer cýnebot bið to þiſſum ſenumon eft rpa micle on cýne-
 gýlb. þam þepe habbað þa mæſar 7 þam cýnebot ſe lanbleoð. L.*

^a [þa micel lage. This passage is extremely corrupt,
 though the sense may be ascertained by comparison with the reading
 of *L.—T.*]

^b The books speak of three kinds of witan: *þeod-ſiſtan*, *leod-
 ſiſtan*, and *ſiſ-ſiſtan*. The first two perhaps were identical, and may
 have meant the members of the king's court, and consequently of

OF MERCIAN LAW.

A 'ceorl's' 'wer-gild' is by Mercian law cc. shillings. A thane's 'wer-gild' is six times as much, that is, xii. hundred shillings. Then is a king's simple 'wer-gild' vi. thanes' 'wēr' by Mercian law, that is, xxx. thousand 'sceatts,' and that is altogether cxx. pounds. ^a So much is the 'wer-gild' in the people's folk-right by Mercian law. And for the 'cyne-dom' there is due another such sum as 'bōt' for 'cyne-gild.' The 'wēr' belongs to the kindred, and the 'cyne-bōt' to the people.

R A N K S.

OF PEOPLE'S RANKS AND LAW.

1. It was whilom, in the laws of the English, that people and law went by ranks, and then were ^b the counsellors of the nation of worship worthy, each according to his condition, 'eorl' and 'ceorl,' 'thegen' and 'theoden.'

2. And if a 'ceorl' thrived, so that he had fully five hides of his own land, church and kitchen, bell-house and 'burh'-gate-seat, and special duty in the king's hall, then was he thenceforth of thane-right worthy.

3. And if a thane thrived, so that he served the king, and on his ^c summons, rode among his household; if he then had a thane who him followed, who to the king's 'ut-ware,' five

^{15'} not in *H.* ^{16'} *D.* ¹⁷ *zebýpað H.* ¹⁸ -*zýlbe H.* ¹⁹ *zebýpað H.*
²⁰ *D. leobe- H.* ²¹ not in *D.* ^{22'} not in *D.* ²³ *zēpinzðum D.* ²⁴ *D.*
leob- H. ²⁵ *pupð- D.* ²⁶ *pupðe D.* ²⁷ *ze D. add.* ²⁸ *v. D.*
²⁹ *H. hýða D.* ^{30'} not in *D.* ³¹ *bellan- D.* ³² *runþon- D.*
³³ *þanon- D.* ³⁴ *pýpðe D.* ^{35'} *re þe D.* ³⁶ *D.* ³⁷ *cýnzger D.*
³⁸ not in *D.* ³⁹ *híða D.*

the witena-gemote in contradistinction to the scir-witan, or the members of the county court. But the distinction was one of office rather than of rank, since the members of the witena-gemote sate in the scir-gemote of their respective counties.

^c A summons or citation carried on horseback.

on ¹cyngeſe ſele. hiſ hlaforde þenode. ⁊ þuſa mid hiſ ²æpenðe. geſoſe to ³cynge. ſe moſte ⁴ſýþþan. mid hiſ ſor-aðe. hiſ hlaforð aſſelian. ⁵æt miſtlican neoðan. ⁊ hiſ onſpæce. ge-
ræcan mid ſihte. ſpa hþær ſpa he ⁶ſceolde.

iv. And ſe þe ſpa geþoſenne. ſor-ſýhtan næfde. ſſoſe ſor
⁷ſýlſne. æſteſ hiſ ſihte. oþþe hiſ þolode.

v. ⁸And ſiſ þeſen geþeah. þ he ſearð to eoſle. þonne ſær
he ſýþþan. ⁹eoſl-ſihteſ ſeoſde.

vi. And ſiſ maſſeſe geþeah. þ he ſeſde þuſe. oſeſ ſið
ſæ. be hiſ aſenum ¹⁰cnæſte. ſe ſær þonne ſýþþan. þeſen-
ſihteſ ſeoſde.

vii. And ſiſ leoſneſe ¹¹[ſæſe. þ þuſh laſe geþuſe] þ he
hād hæfde. ⁊ þenode Lſiſte. ¹²ſe ſær þonne ſýþþan. mæðe ⁊
munde. ſpa miſelſe ſuſde. ſpa ¹³[þonne þam hade. geþuſede
mid ſihte. ſiſ he hine heolde. ſpa ſpa he ſceolde]. buſon he
ſor-ſoſhte. þ he þæſe ¹⁴hād-note. notian ne moſte.

viii. And ſiſ ¹⁵hiſ geſuſde. þ man gehadebum. oþþe æl-
þeoðigum. aþſar ¹⁶geðeſode. ſoſdeſ oþþe ſeoſceſ. þonne ge-
býſede. ¹⁷cynge ⁊ ¹⁸biſceope. þ ¹⁹hiſ þeſtan. ſpa hiſ ſaðoſt
mihton:.

¹ cýnungeſe *D.* ² æpenðan *D.* ³ cyngeſe *D.* ⁴ ſýþþan *D.* ⁵ *not in D.*
⁶ þoſſte *D.* ⁷ ſýlſne *D.* ⁸ cc. 5, 6. *not in D.* ⁹ *D.* geþeah þuſh

^a It is to this law that the historian of Ely seems to allude in the following passage, and not to any qualification for a seat in the witenagemote, as has been so frequently asserted: 'Habuit (sc. Ulfricus abbas) enim fratrem Gudmundum vocabulo cui filiam præpotentis viri in matrimonium conjungi paraverat. Sed quoniam ille quadraginta hidarum terræ dominium minime obtineret licet nobilis (that is, a thane) esset, inter procures tunc numerari non potuit, eum puella repudiavit.' *Gale*, II. c. 40. If we refer to the dooms of Cnut, c. 69, we shall see that the heriots of an eorl and of a lesser thane were in the proportion of from one to eight—a rule which may be supposed to have arisen from a somewhat similar relation between the quantities of their respective estates; and as the

hides had, and in the king's hall served his lord, and thrice with his errand went to the king; he might thenceforth, with his 'fore-oath,' his lord represent, at various needs, and his plaint lawfully conduct, wheresoever he ought.

4. And he who so prosperous a vicegerent had not, swore for himself according to his right, or it forfeited.

5. And if a thane thrived, so that he became an ^a 'eorl,' then was he thenceforth of 'eorl'-right worthy.

6. And if a merchant thrived, so that he fared thrice over the wide sea by his own ^b means, then was he thenceforth of thane-right worthy.

7. And if there a scholar were, who through learning thrived, so that he had holy orders, and served Christ; then was he thenceforth of rank and power so much worthy, as then to those orders rightfully belonged, if he himself conducted so as he should; unless he should misdo, so that he those orders' ministry might not minister.

8. And if it happened, that any one a man in orders, or a stranger, anywhere injured, by word or work; then pertained it to king and to the bishop, that they that should make good, as they soonest might.

lane *H.* ¹⁰ *pæpe* *ge* *riþþan* *D.* ¹¹ *D.* *pæpto* *zebynebe* *H.* ¹² *H.*
¹³ *not in* *D.* ¹⁴ *zebepebe* *D.* ¹⁵ *cynge* *D.* ¹⁶ *biſcepe* *D.* ¹⁷ *hi* *D.*

possession of five hides conferred upon a *ceorl* the rights of a thane, the possession of forty (5 × 8) in all probability raised a thane to the dignity of an *eorl*.

^b [It is possible that *epæft* may here, as at the present day, signify 'a vessel.' In the beautiful metrical 'Legend of St. Andrew' it occurs in that sense, in the following passage: '*pæpeð fāmiz-healf- fuzole zelicoft. glideð on zeofone. ic zeorne pāt. pæt ic æfre ne zereah. open yð-lafe. on ræ leoban. fyllicpan epæft: fareth the foamy-neck, to a bird most like, glideth on ocean; I well know, that I never saw, over the smoothened waves, on the sea sailing, a craft more wonderful.*' See Cooper's Report, App. B. p. (59.) — *T.*]

ÆDELSTANES DOMAS.^a

I.

[COUNCIL OF GREATANLEA.]

^bÆDELSTANES LYNINGES GERÆDNEȝ.

Ic Æðelstan ¹cýningc mid 7eƿeahte ²Pulphelmer arceþ' 7 ³minra ⁴oðera byrcopa. ⁵cýð þam 7eƿefan to ⁶hƿilcere byrg. 7 eop biððe on Froðer naman 7 on ⁷eallum hƿ haligra. 7 eac be minum fræondrcipe ⁸. ꝥ 7e æreƿt of minum ægenum ⁹gode ¹⁰aƿifan þa teoðunga. ægðer 7e on cƿicum ceape 7e on þær 7eareƿ eorð-ƿærtmum. fpa man ¹¹juhtorƿ mage' oþþe 7emetan. oþþe 7etellan. oþþe aƿegan. 7 þa byrcopaƿ þonne ꝥ ¹²ilce don. on heora ægenum gode. 7 mine ealðorpen 7 mine 7eƿefan ꝥ ¹³ƿilfe. And ic ƿille ꝥ byrceop 7 þa 7eƿefan hit beoðan eallum þam þe him ¹⁴hƿan fculon. ꝥ hit to þam

^c Ic Æðelstane cýning mid geþeahhte Pulphelmer mines heh-byrceoper. ⁊ oðra minra byrceopa. bebeode eallum minum gereafum þurh ealle mine rice. on þæs Drihtænes nama. ⁊ ealra halgena. ⁊ forð mine lufu. þ̅ hi ænorst mines agenes æhtes þam teoðe gerýllað. ge þæs libbendes ýrres. ge þæs gearlices perimes. ⁊ þ̅ ilce gedð eac þa byrceopas heora gehwýlcra. ⁊ eac mine ealdrumanna ⁊ gereafa. And ic wille þ̅ mine byrceoper. ⁊ gereafa þæs demað eallum þe hio gehýrsumian gebýrað. ⁊ þ̅ ilce to þam tide fulfremað þe we hio rettað. ⁊ þæs rice to þæm dæg þær beheafðunges seint

¹cýng ^{2'}pulfelmer arcebš G. arcebyrcop D. ³eac add. ⁴oðeppa
 ^{11'}rūhtarƿ mæge ¹²yŕce

^a Æthelstan, the natural son of Edward the elder, was placed on the throne upon the death of his father in the year 924. Archbishop Wulfhelm succeeded to the see of Canterbury in the year 925, and held it till about 960.

THE LAWS OF KING ÆTHELSTAN.^a

I.

[COUNCIL OF GREATANLEA.]

KING ÆTHELSTAN'S ORDINANCE.

I, Æthelstan king, with the counsel of Wulfhelm, archbishop, and of my other bishops, make known to the reeves at each 'burh,' and beseech you, in God's name, and by all his saints, and also by my friendship, that ye first of my own goods render the tithes both of live stock and of the year's earthly fruits, so as they may most rightly be either meted, or told, or weighed out; and let the bishops then do the like from their own goods, and my 'ealdormen' and my reeves the same. And I will, that the bishop and the reeves command it to all those who ought to obey them, that it be done at

I, Æthelstan king, with the counsel of Wulfhelm my archbishop, and of other my bishops, command all my reeves throughout all my realm, in the Lord's name, and of all saints, and for my love, that they first of my own property give the tithe, both of live stock and of yearly fruit; and the like do also the bishops from each of theirs, and also my 'ealdormen' and reeves. And I will that my bishops and reeves adjudge this to all whom it behoveth to obey them, and accomplish the same by the time which we appoint to them; and let this be on the day of the beheading of St. John the Baptist.

⁵ cýðe ^{6'} ʒehpýlcepe bypuz ⁷ ealpa ⁸ beobe *add.* ⁹ - ¹⁰ aʒýʒan
¹³ ʒýlfe ¹⁴ hýpan ʒeýlan. ʒ

^b The text is from ms. *D.*, and the variations are all from ms. *G.*

^c This second text is taken from Lambarde. The ms. which he followed has not been found.

rihtan andagan zelært rý. ¹Utan gefencan hu Iacob cræð
 je heah-fæder. 'Decimas et hostias pacificas offeram tibi.' ⁊
 hu Moýſes cræð on Godeſ laze. 'Decimas et primitias non
 tardabis offerre Domino.' Ur iſ to ²gefencanne hu ³on-
 þurhlic hit on bocum gecpeðen iſ. ⁴Liſ pe þa teoðunga Gode
 zelærtan nellað. ꝥ he ur ⁵benimeð þaſa niȝon ðæla þonne
 pe lært penað. ⁊ eac pe habbað þa rýnne to-eacan. And ic
 pille eac ꝥ mine zerefan gedon ꝥ man ⁶aȝife þa ⁷cýric-ſceattar
 ⁊ þa ſapl-ſceattar to þam rtopum þe hit mið riht to-⁸gebi-
 riȝe. ⁊ riht-ælmeſſan on ⁹zeape on þa ¹⁰zeſað. ꝥ þa hiſ
 brucan æt þam halȝan ¹¹rtopum þe heora ¹²cýrcan ¹³bezān
 pillað. ⁊ to Gode ⁊ to me ¹⁴gēcarnian pillað. reſe þonne nelle-
 þohȝe ¹⁵þaſe aſe. oþſe eſt to rihte ¹⁶zecirpe. Nu ze ¹⁷ge-
 hiſað. cræð je ¹⁸cýnȝc. hſæſ ic Gode ann. ⁊ hſæt ze ze-
 lærtan ¹⁹ſeulan be ²⁰mýnpe oſerhýrnýſſe. And gedoð eac
 ꝥ ze me ²¹zeunnon mineſ aȝeneſ ꝥ ze me mið rihte ²²zeſtri-
 nan maȝon. Nelle ic ꝥ ze me mið unrihte ahpap ²³aht
 zeſtriȝnan. ac ic pille eorpeſ ²⁴zeunnan eop rihtlice. on þa

Iohanner þæſ fulhteſeſ. Utan gefencan pe hſæt Iacob je
 hieh-fæder to þam Drihten cræð. Ic þe pille zeſýllan mine
 teoðan. ⁊ mine riht-lac. And Drihten ſeolſe on þam God-
 ſpel cræð. Eallum þæm hæbbendum mon ſceal aȝýſan. ⁊ hi
 zenýhtſumiað. Pe moton eac þæſ þencan þe eȝeſlic on
 þýſſum bocum iſ zeſſuten. Liſ pe ure teoðan zeſýllan
 nýllað. ur þa nýȝon ðælaſ bið ætþrædene. ⁊ je teoða ān ur
 bið to laſ. Se ȝoðcunðe laſe ur zemýnað. ꝥ pe þa heorſon-
 lica þiȝa mið þam eopðlicum. ⁊ þa ecelic mið þam hſilpend-
 licum zeeapnað. Nu ze zehýſað hſæt Drihtene ur bebeoð.
 ⁊ hſæt ur ſulſſemian zebýſað. Gedo ꝥ ze zeopnað. þam
 þiȝa þe ze me rihtlice bezýtan mæȝ. Ic nýlle ꝥ ze me
 hſæt mið poh bezýtað. Liſ ic eop ealla eopna þiȝa zeunne
 on þa zeſaðe þe ze me mine zeopnað. paſnað eop. ⁊ hio þe
 eope to-belimpað. þæſ Drihteneſ eorpeſ. ⁊ mineſ.

Ic Æðelſtane cýning. eallum minum zeſeſum binnon mine
 riȝe zecýðe. mið zeſeahte ſulhelmeſ mineſ ærcebiſceopeſ.
 ⁊ ealſa mina oðra biſceopa. ⁊ Godeſ þeopa. ſop mina riȝna

¹ Utan ² þencanne ³ onþýſlic ⁴ Liſ ⁵ benimeð ⁶ aȝýſe ⁷ cýric-
⁸ -zebýriȝe ⁹ zeapeſ ¹⁰ zeſað ¹¹ rtopan ¹² cýrcan ¹³ bezān ¹⁴ gēcarnian ¹⁵ D.

the right term. Let us bear in mind how Jacob the patriarch spake: 'Decimas et hostias pacificas offeram tibi:' and how Moses spake in God's law: 'Decimas et primitias non tardabis offerre Domino.' It is for us to think how awfully it is declared in the books: If we will not render the tithes to God, that he will take from us the nine parts when we least expect; and, moreover, we have the sin in addition thereto. And I will also that my reeves so do, that there be given the church-scotts and the soul-scotts at the places to which they rightly belong: and plough-alkms yearly, on this condition; that they shall enjoy it at the holy places who are willing to serve their churches, and of God and of me are willing to deserve it: but let him who will not, forfeit the bounty, or again turn to right. Now ye hear, saith the king, what I give to God, and what ye ought to fulfil by my 'oferhirnes.' And do ye also so that ye may give to me my own what ye for me may justly acquire. I will not that ye unjustly anywhere acquire aught for me; but I will grant to you your own justly, on this

Let us think on what Jacob the patriarch said to the Lord: 'I will give thee my tenths and my peace-offering.' And the Lord himself in the Gospel spake: 'To all those having shall be given, and they shall abound.' We may, moreover, think on this, which fearfully in these books is written: 'If we will not give our tenths, the nine parts shall be taken away from us, and the tenth alone shall be left unto us.' The divine doctrine exhorts us, that we should earn the heavenly things with the earthly, and the everlasting with the transitory. Now ye hear what the Lord commandeth us, and what it behoveth us to fulfil. Do so that ye acquire those things which ye for me rightly may get: I will not that ye get for me any thing with wrong. If I grant to you all your things on the condition, that ye for me acquire mine, be ye warned, and those who unto you belong, of God's ire and mine.

I, Æthelstan king, make known to all my reeves within my realm, with the counsel of Wulfhelm my archbishop, and of all my other bishops and God's servants, for my sin's

¹⁵ þæpe ¹⁶ ꝥecýppe ¹⁷ ꝥehýpað ¹⁸ cýnꝥ ¹⁹ ꝥceolan ²⁰ mýnpe
²¹ unnon *G.* ꝥeannon *D.* ²² ꝥeꝥpýnan maꝥan ²³ oht ²⁴ aꝥeneꝥ *add.*

Ʒeƿað þe Ʒe me ¹Ʒeunnan mineƿ. Ʒ beoƿƷað æƷðeƿ Ʒe eoƿ
Ʒe þam þe Ʒe ²minƷian ƿculon. ƿið Ʊodeƿ ³Ʒƿpe Ʒ ƿið mine
⁴oƿeƿhƷƿneƿƿe:.

ƿoƿƷƿƿeneƿƿe. þ Ʒc ƿille. þ Ʒe ƿeðað ealle ƿæƷa ān eaƿm
EnglƷeƿmon. Ʒƿ Ʒe him habbað. oþþe oðeƿne Ʒeƿinðað. Ʊƿam
ƿam minƿa ƿeoƿma aƷƿƿe mon hine elce monað ane ambƿa
meleƿ. Ʒ ān ƿconce ƿƿiceƿ. oþþe ān ƿam ƿeoƿðe .iiii. ƿeninƷaƿ.
Ʒ ƿeƿuð ƿoƿ ƿeƿeƿ monða ælc Ʒeaƿ. And þ Ʒe alƷƿað an
ƿite-þeoƿne. Ʒ þæƿ ealle ƿie Ʒeððn ƿoƿ DƷuhteneƿ miłðheoƿt-
neƿƿe. Ʒ mine luƿu. undeƿ þæƿ biƿceopeƿ Ʒeƿitneƿƿe. on þæƿ
ƿice ƿc ƿie. And Ʒƿ ƿe Ʒeƿeaƿa þƿ oƿeƿheald. Ʒebete .xxx.
ƿcift. Ʒ ƿie þ ƿeoh Ʒeðæled þæm þeaƿƿum. þe on þa tun Ʒƿnð
þe þƿ unƷeƿƿemeð ƿunie. on þæƿ biƿceopeƿ Ʒeƿitneƿƿe:.

ÆDELSTANES LERÆ[D]NESSE.^a

⁵ BE DEOFUM.

i. Æƿeƿt. ⁶þ mon' ne ƿƿaƿƷe ⁷nænnne þeoƿ þe æt hæb-
bendƿe ⁸hanða ƷeƿanƷen ƿƷ. oƿeƿ ⁹.xii. ¹⁰ƿintep. Ʒ oƿeƿ
eahta ¹¹ƿeninƷaƿ. And ¹²Ʒƿ hit ¹³hƿā ðð. ƿoƿƷƿlðe þone þeoƿ
be hiƿ ƿeƿe. Ʒ ne ¹⁴beo ¹⁵þam þeoƿe na þe ƷeƿinƷodƿe. oþþe
hine be ¹⁶þæm ¹⁷Ʒeladie. ¹⁸Ʊƿ he hine ¹⁹þonne ƿeƿuan ²⁰ƿille
oþþe ²¹oðƿleo. þonne' ne ²²ƿƿaƿƷe hine ²³man. Ʊƿ ²⁴man
þeoƿ on ²⁵caƿceƿne ƷebƿunƷe. þ he beo ²⁶.xl. nihta ²⁷on
caƿceƿne. Ʒ hine ²⁸mon þonne' alƷƿe ²⁹ūt mið ³⁰.c.xxx. ƿcift.
Ʒ Ʒa ƿeo ³¹mæƷð him on boƿh þ he æƿƿe Ʒeƿƿice. And ³²Ʒƿ
he oƿeƿ þ ³³ƿtalƷe. ³⁴ƿoƿƷulðan hƷ' hine be hiƿ ƿeƿe. oþþe
hine ³⁵eƿt þæƿ-³⁶inne ƷebƿunƷan. Ʒ ³⁷Ʒƿ hine hƿa ƿoƿƿtande.

¹ unnan ² minƷian ƿcylan ³ Ʒƿpe ⁴ oƿeƿƿƿneƿƿe ⁵ *no rubric in H.*
⁶ ƿet man *B.* ⁷ nanne *B.* ⁸ hanð *B.L.* ⁹ ƿeƿe *B.* ¹⁰ ƿintepne
B.L. and so H. orig. ¹¹ ƿeneƷaƿ *B.* ¹² Ʒƿƿ *B.* ¹³ hƿā *B.* ¹⁴ Ʒƿ
B.L. ¹⁵ þæm *L.* ¹⁶ þam *B.* ¹⁷ ƷelabƷe *L.* ¹⁸ Ʊƿ *B.* ¹⁹ þænne *B.*
²⁰ ƿƷlle *B.* ²¹ ƿleo. *L.* ²² ƿleo. þænne *B.* ²³ ƿaƿe *B.* ²⁴ æƿ þam

^a The text is taken from ms. *H.* The early variations are from
ms. *B.*; but unfortunately this ms. wants the greater part of Æthel-
stan's enactments, though it supplies us with the Anglo-Saxon
original of a set of dooms supposed to have been lost, but which is

condition, that ye yield to me mine; and shield both yourselves, and those whom ye ought to exhort, against God's anger and against my 'oferhirnes.'

forgiveness, that I will that ye entirely feed one poor Englishman, if ye have him, or that ye find another. From two of my 'feorms' let there be given him every month one 'amber' of meal, and one shank of bacon, or one ram worth iv. pence, and clothing for twelve months every year. And that ye redeem one 'wite-theow;' and let all this be done for the Lord's mercy, and my love, under witness of the bishop in whose jurisdiction it may be. And if the reeve omit this, let him make 'bōt' with xxx. shillings, and let that money be distributed to the needy who are in the 'tūn' where this remains unfulfilled, in the witness of the bishop.

ÆTHELSTAN'S ORDINANCES.

OF THIEVES.

1. First: that no thief be spared, who may be taken 'hand-hæbbende,' above xii. years, and above eight pence. And if any one so do, let him pay for the thief according to his 'wēr,' and let it not be the more settled for the thief, or that he clear himself thereby. But if he will defend himself, or flees away, then let him not be spared. If a thief be brought into prison: that he be xl. days in prison, and then let him be released thereout with cxx. shillings, and let the kindred enter into 'borh' for him that he evermore desist. And if after that he steal, let them pay for him according to his 'wēr,' or bring him again therein: and if any one stand up for him,

γ οἰερ *B.* - þæm. Οἰερ *L.* 24 mon *L.* 25 cƿearƿerne *B.* cƿear-
 cepne *L.* 26 ƿeoƿerƿiγ *B.L.* 27 ƿær-inne *B.L.* 28' man ƿænne *B.*
 29 ~ *H.* 30 hunð-ƿelfƿi *B.* - ƿelfƿiγum *L.* 31 mæγðe *L.* 32 γύγ *B.*
 33 ƿælie *B.* 34' ƿonne ƿorγýlban hi *B.L.* 35' ƿær eft inγebƿiγan *B.*
 36 in *L.* 37 γύγ *B.*

known from the Latin version in Bromton, and which will be found below. The variations from Lambarde have been added as usual. From the general agreement of both texts, it would seem that Lambarde must have used a copy closely resembling ms. *B.*

¹forȝylde hine be his pere. ꝥa ²þæm ³cýnunge. ꝥa ⁴þæm þe hit ⁵mid rýhte^c to-ȝebýrge. ⁊ ælc man þara þe ⁶þær mid-ŕtande. ȝerýlle ⁷þæm cýnunge .c.xx. ŕeift. to rite:.

⁸ BE [D]LAFORDLEASUM MANNUM.

II. ⁹Onð pe cƿædon. be ¹⁰þæm hlaforðleasum mannum þe ¹¹man ¹²nan ¹³rýhte^c æt-beȝýtan ne mæȝ. ꝥ man ¹⁴beode þære mæȝðe ꝥ hi hine to ¹⁵folc-rýhte ¹⁶ȝehametten. ⁊ him ¹⁷hlaforð ¹⁸ŕinden on folc-ȝemote. ⁊ ¹⁹ȝif hi hine ²⁰þonne beȝýtan ²¹nýllen oþþe ne ²²mæȝen to ²³þam andagan. þonne beo ²⁴hē rýþþan ²⁵flýma. ⁊ hine lecȝe for ²⁶þeoŕ ŕeþe him to-cume. ⁊ ŕeþe hine ²⁷oþer ꝥ feorunge. forȝýlde hine be his pere. oþþe ²⁸he hine be ²⁹þam ³⁰laðige:.

³⁰ BE RYPTES ÞÆRNUNGE.

III. And ŕe ³¹hlaforð þe ³²rýhteŕ rýrne ⁊ for his ýŕelan ³³man licȝe^c ⁊ man þone cýnȝ ³⁴fope-ȝeŕece. ³⁵forȝylde ꝥ ³⁶ceap-ȝild^b. ⁊ ȝerýlle ³⁷þam cýnȝe ³⁸.c.xx. ŕeift. ⁊ ŕeþe ³⁹þone cýnȝ ⁴⁰ȝeŕece ær he ⁴¹him ⁴²rýhteŕ biððe ꝥa oŕt ꝥa him ⁴³to-ȝebýrge. ȝild^c ꝥ ⁴⁴ilce rite ꝥ ŕe oðer ŕceolde ⁴⁵ȝif he him ⁴⁶rýhteŕ rýrnðe. And ŕe ⁴⁷hlaforð þe his þeoŕan æt þýŕðe ȝerita rý. ⁊ hit ⁴⁸him on^c open ƿurðe. ⁴⁹þolȝe þær þeoŕan. ⁊ beo his pereŕ ⁵⁰ŕcýlðȝ æt ŕnum-cýrre. ⁵¹Enȝ he hit oŕtor ⁵²ðó. ⁵³beð ⁵⁴he ealleŕ ⁵⁵ŕcýlðȝ þær þe he aȝe. ⁊ eac ⁵⁶ŕŕilce cýnȝer ⁵⁷hoŕðena^c oþþe upe ȝeŕeŕena ⁵⁸ŕŕýlc ⁵⁹þærna þeoŕa ȝerita þære þe ŕtaledon. beo ⁶⁰he be ⁶¹þam ilcan:.

¹ forȝylde *B.L.* ² þam *B.* ³ cýnȝ *L.* ⁴ þam *B.* ⁵ not in *B.L.*
⁶ þære *L.* ⁷ hund-ŕelŕȝȝ ŕeift. to rite þam cýnȝe. *B.* — þæm cýnȝe *L.* ⁸ no rubr. in *H.* ⁹ And *B.L.* ¹⁰ þam *B.* ¹¹ nan *L. add.*
¹² nan mam rýht *B.* ¹³ rýhte *L.* ¹⁴ buðe *B.L.* ¹⁵ -rýhte *B.L.*
¹⁶ ȝehamette *B.H.L.* but originally ȝehametten in *H.* ¹⁷ hlaforðe *L.*
¹⁸ ŕunden *B.* ŕunden *L.* ¹⁹ ȝýŕ *B.* ²⁰ þænne *B.* ²¹ nellon *B.L.*
²² maȝon *B.L.* ²³ þæm *B.L.* ²⁴ *B.* ²⁵ þeoŕe *L.* ²⁶ oŕor *B.*
²⁷ not in *L.* ²⁸ þæm *L.* ²⁹ ȝelabie *B.L.* ³⁰ no rubric in *B.L.*

^a A man who had fled for his offence, and whose flight was equivalent to a conviction. The 'fugitivus' of Bracton and Fleta.

^b The 'captale' of the Barbaric laws, or the simple value of the thing stolen.

^c In Ælfric's glossary this term is translated Cellerarius. In the Chronicle it occurs more than once as the title of an officer attached

let him pay for him according to his 'wēr,' as well to the king as to him to whom it lawfully belongs: and let every man of those who there stand by him pay to the king cxx. shillings as 'wite.'

OF LORDLESS MEN.

2. And we have ordained: respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote; and if they then will not or cannot produce him at the term, then be he thenceforth a 'flyma,' and let him slay him for a thief who can come at him: and whoever after that shall harbour him, let him pay for him according to his 'wēr,' or by it clear himself.

OF DENIAL OF RIGHT.

3. And the lord who denies justice, and upholds his evil-doing man, and the king be applied to on that account; let him pay the 'ceap-gild,' and give to the king cxx. shillings: and he who applies to the king before he has prayed for justice, as oft as it shall behove him; let him pay the like 'wite' that the other should if he had denied him justice. And the lord who is privy to his 'theow's' theft, and it is made manifest against him, let him forfeit the 'theow,' and be liable in his 'wēr,' for the first time. If he do so oftener, let him be liable in all that he has: and, also, such of the king's 'horderes,' or of our reeves, as shall be privy to the thieves who have stolen, let him be subject to the like.

31 hlafopbe *L.* 32 pihce *B.* pihce *L.* 33 men lȳce *L.* 34 foperece
B. foperece *L.* 35 fopgylbe *B.L.* 36 ceapegylbe *B.* ceapegylbe *L.*
37 pæm *L.* 38 hunb-ƿelfƿiȝ *B.* 39 pæne *B.* 40 ƿece *B.L.* 41 hune *B.*
42 pihce *L.* 43 to-gebyrȳce- gylbe *B.L.* 44 ylce *L.* 45 ȳf *B.*
46 pihce *B.L.* 47 hlafopbe *L.* 48 not in *L.* 49 ƿolte *B.* 50 ƿealbȳ
L. 51 ȳf *B.* 52 *H.* 53 eo *B.* 54 not in *B.L.* 55 ƿealbȳ *L.*
56 ƿpȳlc *B.* ƿpȳlc *L.* 57 hopbepe *B.* 58 hpȳlc *B.L.* 59 ƿe *L.* add.
pæne *H.* 60 not in *L.* 61 pæm *L.*

to a monastery. The Chartulary of Glastonbury makes mention of his dues under the name of Horderes-gild:—'Nos H. abbas de Niwenham et ejusdem loci conventus remittimus — abbati Glaston' et conventui — x. sol. de turno vicecom. et iv sol. viii. den. de quodam redditu qui vocatur Horderesgeld unde placitavimus prædictum abbatem Glaston. per breve domini regis.' f. 36, apud Cowel.

1 BE PLAFORD-2SEARPUM.

iv. 3 Onð pe cƿædon be hlaforð-4ƿeappan. ƿ he 5 beo hƿ
feoreƿ ƿcýlðig 6 Ʒif he 7 hƿ ætƿacan ne mihte. oþþe 8 eft on
þam 9 þrumƿealðan orðale ƿið ƿæpe:-

10 BE LIRIL-BRYLE.

v. And pe cƿædon be 11 cƿic-bryce. 12 Ʒif he 13 ƿið ƿæpe on
14 þam þrumƿealðan orðale. bete be 15 þam 16 þe ƿeo 17 ðóm-boc
ƿeege:-

18 BE PILLE-LRÆFTUM.

vi. Onð pe 19 cƿædon be 20 þam ƿicce-cƿæftum. ƿ be a lib-
lacum. ƿ 21 be moƿð-dædum. 22 Ʒif 23 man þær 24 acƿealð ƿæpe. ƿ
he 25 hƿ 26 ætƿacan ne 27 mihte. ƿ he beo hƿ feoreƿ ƿcýlðig.
Eft he 28 þonne ætƿacan ƿille. ƿ on 29 þam þrumƿealðum orðale
ƿið ƿeorðe. ƿ he beo .c.xx. mihta on canceƿne. ƿ 30 nimen þa
maƷar hine 31 riþþan ut. ƿ Ʒerýllan þam 32 cýnƷe .c.xx. ƿeift.
ƿ 33 forƷýlðan þone ƿer 34 hƿ maƷum. ƿ 35 Ʒangon him on boþh
ƿ he æƿe ƿƿýlceƿ Ʒeƿrice:-

36 BE BLÆSERUM.

37 Ða 38 blýrƿeap. ƿ þa þe 39 þeoƿ ƿƿecon. beon 40 þær 41 ilcan
rihtaƿ ƿýrðe. And ƿeþe þeoƿ 42 ƿƿecan ƿille. ƿ 43 nanne man
44 ne Ʒeƿunðige. Ʒeƿýlle 45 þam cýnunge .c.xx. ƿeift. 46 to ƿite
for þan bæt-hlype:-

BE ANFEALDUM ORÐALE.

vii. And pe cƿædon be þam anƿealðum orðale. æt 47 þam
mannum þe 48 oft betihtlede ƿæron. ƿ 49 hƿ ƿule 50 ƿurdon.

1 *no rubric in B.* 2 *Ʒýppum L.* 3 *And B.L.* 4 *ƿeapƿe H.* 5 *ƿeapƿe B.L.* 6 *Ʒýf B.* 7 *hit B.L.* 8 *not in B.L.* 9 *þrum-
ƿealðan B.L.* 10 *no rubric in B.* 11 *cýpic- B.L.* 12 *Ʒýf B.* 13 *B.*
14 *þam B.L.* 15 *þam B.* 16 *not in L.* 17 *ƿeege B.* 18 *no rubric
in B.* 19 *cƿeðon B.* 20 *þam B.* 21 *not in B.L.* 22 *Ʒýf B.* 23 *mon
L.* 24 *acƿealðe L.* 25 *hit L.* 26 *Here an hiatus occurs in B. of
several leaves.* 27 *mæge L.* 28 *hit Lamb. add. from whom the varia-*

^a Whatever may have been the precise import of this term in its usual acceptation, whether *fascinatio* or *incantatio*, as given in the book, it is clearly derived from the same root with the

OF PLOTTINGS AGAINST A LORD.

4. And we have ordained respecting plottings against a lord: that he should be liable in his life if he could not deny it, or afterwards at the threefold ordeal should be guilty.

OF CHURCH-BREACH.

5. And we have ordained respecting church-breach: if he should be guilty at the threefold ordeal, let him make 'bōt' according as the doom-book may say.

OF WITCH-CRAFTS.

6. And we have ordained respecting witchcrafts, and ^a 'lyb-lacs,' and 'morth-dæds:' if any one should be thereby killed, and he could not deny it, that he be liable in his life. But if he will deny it, and at the threefold ordeal shall be guilty; that he be cxx. days in prison: and after that let his kindred take him out, and give to the king cxx. shillings, and pay the 'wēr' to his kindred, and enter into 'borh' for him, that he evermore desist from the like.

OF INCENDIARIES.

Let incendiaries, and those who avenge a thief, be worthy of the like law. And he who will avenge a thief, and wounds no man, let him give to the king cxx. shillings, as 'wite' for the ^b assault.

OF THE SINGLE ORDEAL.

7. And we have ordained respecting the single ordeal, for those men who have been often accused, and have been found

tions are henceforth taken. 29/ þæm þrýfealþum 30 nūman 31 rýþþan
32 cýng 33 forþýlþen 34 þær manner 35/ zangēn hī 36 Be lizepar.
in marg. no rubr. nor fresh section. 37 Anb add. 38 blizgepar
39 þeoþpæcan 40 beon add. 41/ ylca 42 pæcan 43 nænne 44 not
in L. 45/ þæm cýng 46/ for þon æhlýpe. 47 þæm 48/ þeoþðe ge-
týhtloð 49 hī 50 pýþben

Old German 'luppi,' venenum; 'luppig,' venenatus; 'luppari,'
veneficus; 'lubper,' maleficus,—hence lybbe—lýb, lýb-lác.

^b [Perhaps here, as in J. C. L. I. 5. and Lib. Const. I. 30., we
ought to read æ-hlýpe, 'transgression of the law.'—T.]

ƿ hý ¹nūton hƿa hý on bopn nūme. ƿeþrunge ²man hý on
caſceþne. ƿ man ³hý don' ut ƿpa ⁴hit heþ beforan ƿeþeden
iſ:

BE LANDLEASUM MANNUM.

viii. And ƿe cƿædon. ƿiſ hƿýlc landleaſ man folƿode on
⁵oðre ƿciſe. ƿ eſt hiſ ⁶magaſ ƿeſce. ꝥ he ⁷hine on þa
⁸ƿeſað ƿeoſniƿe. ꝥ he hine to folc-⁹ƿýhte ƿelæde. ƿiſ he
þæſ ƿýlt ƿeſýſce. oþþe ƿoſebete:

BE ¹⁰YRFES ÆTFENLE.

ix. ¹¹Seþe ýſſe beſo. ¹²nemne him mon ¹³.v. men hiſ
¹⁴neah-ƿebura. ƿ beƿýte þaſa ¹⁵.v. .i. ꝥ him mið ƿſeƿe ꝥ
he ¹⁶hit on ¹⁷folc-ƿýht him to-teo. ƿ ſeþe hit him ¹⁸ƿeaƿnian
pille. nemne him ¹⁹man .x. men. ƿ ²⁰beƿýte þaſa tƿegen. ƿ
ſýlle þone að. ꝥ hit on hiſ æhte ƿeboren ƿæne. butan ²¹þam
ſum-aðe. ƿ ƿtande ²²þæſ cýne-að ofer .xx. ƿeniſga:

BE ²³ƿſEAFſE.

x. ²⁴And nan man ne hƿýſſe naner ýſſeſ butan þæſ ƿe-
ſeſan ²⁵ƿeſitneſſe. oþþe þæſ mæſſe-ſſeſteſ. oþþe þæſ land-
hlaſorðeſ. oþþe þæſ ²⁶hoſorðeſ. oþþe oðreſ ²⁷unƿelýſeneſ
manneſ. Iſ hit hƿa ²⁸oð. ƿeſýlle. .xxx. ƿciſt. ƿ ²⁹fo ƿe land-
³⁰hlaſorð to ³¹þam hſeaſſe:

³²BE ƿOÞRE LEPTNESSE.

Iſ ³³man þonne ³⁴aſinde ꝥ heora æniƿ on ³⁵ƿohſe ƿeſit-
neſſe ƿæne. ꝥ næſſe hiſ ³⁶ƿeſitneſ eſt naht ne ƿoſtande.
ƿ eac ƿeſýlle .xxx. ƿciſt. to ƿite:

³⁷[BE DON ÐE SLYLDGUNLE BÆDE ÆT OFSLEGENUM.]

xi. ³⁸Onð ƿe cƿædon. ³⁹ſeþe ſeýldunga' bæde æt ⁴⁰ofſlaƿe-
num þeoſe. ꝥ he eode þſeoſa ſum ⁴¹to. tƿegen ⁴²on ƿædeſan-

1 nūten 2/ hine mon 3/ hine so 4 *not in L.* 5 oðer 6/ mægaſ ſece
7 þe *add.* 8 ƿeſaðe 9/ -ƿýhte læde 10 þonne þe ýſſe beſeþe. 11 And
add. 12/ namne hine 13 ƿiſ 14 nehbura 15/ ƿiſa. ænne 16 him
17/ folcƿýhte 18 aƿnian 19 mon 20/ beƿýte þaſa ii. 21 þam 22 þeſ
23 ýſſa ƿeſýſſe. 24 Ðæt 25 ƿeſitnýſſe 26 hoſorðeſ 27 unƿelýſeneſ

guilty, and they know not who shall take them in ‘borh;’ let them be brought into prison: and let them be delivered out as it here before is ordained.

OF LANDLESS MEN.

8. And we have ordained: if any landless man should become a follower in another shire, and again seek his kinsfolk; that he may harbour him on this condition, that he present him to folk-right if he there do any wrong, or make ‘bōt’ for him.

OF ATTACHING CATTLE.

9. He who attaches cattle, let v. of his neighbours be named to him; and of the v. let him get one who will swear with him that he takes it to himself by folk-right: and he who will keep it to himself, to him let there be named x. men, and let him get two of them, and give the oath that it was born on his property, without the ‘rim-ath;’ and let his ‘cyre-ath’ stand for over xx. pence.

OF EXCHANGE.

10. And let no man exchange any property without the witness of the reeve, or of the mass-priest, or of the land-lord, or of the ‘hordere,’ or of other unlying man. If any one so do, let him give xxx. shillings, and let the land-lord take possession of the exchange.

OF WRONGFUL WITNESS.

But if it be found that any of these have given wrongful witness, that his witness never stand again for aught, and that he also give xxx. shillings as ‘wite.’

OF HIM WHO WOULD PRAY OFF A CRIMINAL CHARGE FROM ONE SLAIN.

11. And we have ordained: that he who would pray off a criminal charge from a slain thief, should go with three others,

28/ ʒylbe 29/ 30 -hlaƿoƿbe 31/ ƿæm ʒehƿýrre. 32 *not in L.*
 33 *mon* 34 onƿinbe 35/ ƿope ʒepitnýrre rý 36 ʒepitnýrre 37 *L.*
 38 *not in L.* 39/ be ƿon ƿe ʒcýlƿgunza 40 ofƿleʒenum 41 *not in L.*
 42/ ƿæbeƿa maƿar

mægar' y þridda on meðren. y þone að 1rýllen þ 2hý on heora mæge nane 3þýrðe nýrton. þ he hīr feoreþ þýrðe nære for 4þam gylte. y 5hý gān 6rýþþan 7.xii. rume' y 8ge-rcýlðigen hine. rpa hīr ær 9gecpeðen þær. y gīf þær deaðan 10mægar þider' cuman 11nolðon to 12þam andaðan. 13gylde ælc þe hīr ær rprece .c.xx. rcll.:

[BE DON ÐE MON NE LEAPIGE BUTAN PORTE.]

xii. 15Onð pe cpædon 16þ 17man nænne 18ceap ne ceapige butan porþe ofeþ .xx. 19penega. ac ceapige þær binnan on þær porþ-geþeþan 20geþitneþre. ofþe 21oðþeþ 22unlýgeneþ manneþ. ofþe eft on 23þara geþeþena 24geþitneþre on folc-25gemote.:

BE BURLA LEBETTUNGE.

xiii. 26And pe 27cpeðað þ ælc 28burh rý gebet 29.xiiii. niht ofeþ Lang-ðagar.

30Oðeþ. þ ælc ceapīng' rý binnan porþe.:

BE MYNETERUM.

xiv. 31Ðridda. þ 32an mýnet rý ofeþ 33eall þær cýnþeþ 34onpealð. y 35nan man ne mýneteþe butan 36on porþe. And' gīf ge mýneteþe fúl purðe. rlea 37man of þa hand þe 38he þ fúl mið porþte. y rette 39uppon þa 40mýnet-rmiððan. y' gīf hīr þonne týhte rý. y he hine laðian pille. þonne 41ga he to þam hatum irene. y 42laðige þa hand mið 43þe man' týhð þ he þ 44facen mið' porþte. 45And gīf he 46on 47þam orðale fúl purðe. 48ðo man þ 49ilce rpa hīr 50ær beþoran 51cpæð.:

On Lantþara-býrīg .vii. mýneteþaþ. .iiii. 52þær cýnþeþ. 52y .ii. 52þær 53bīcoperþ. 54.i. þær abbodeþ.:

To Ðrope-ceaþþe 55[.iii.]. 56.ii. 57[þær] cýnþeþ y 58.i. þær 59bīcoperþ.

To Lundēn-býrīg .viii.

To 60Þīnta-ceaþþe .vi.

1 gealde 2 hī 3' þeoreðe nýrton 4' þæm gýlc 5 hīo 6 rýþþan
7' tpeþa rum 8 gercýlðen 9 gecpæðen 10' mazaþ þeðeþ 11 nýllan
12 þæm 13 gýlde 14 L. 15 not in L. 16 be þon add. 17 mon
18 ceape 19 penīnza 20 geþitnýrþe 21 not in L. on oðþeþ D. 22 un-
gelīgeneþ 23 þæra 24 geþitnýrþe 25 -mote 26 not in L. 27 cpædon
28 burgh 29 feoreþtýne 30' Oðæþ. ylce ceapūnþe 31 þe cpædon

two of the paternal, and the third of the maternal kin, and give the oath that they knew of no theft by their kinsman, so that he were not worthy of his life for that crime: and after that let some XII. go and charge him with the crime, as it was before ordained; and if the kindred of the dead would not come thither at the term, let every one who had before made suit for it pay cxx. shillings.

THAT A MAN BUY NOT OUT OF PORT.

12. And we have ordained: that no man buy any property out of port over xx. pence; but let him buy there within, on the witness of the port-reeve, or of another unlying man: or further, on the witness of the reeves at the folk-mote.

OF REPAIRING OF 'BURHS.'

13. And we ordain: that every 'burh' be repaired xiv. days over Rogation Days.

Secondly: that every marketing be within port.

OF MONEYERS.

14. Thirdly: that there be one money over all the king's dominion, and that no man mint except within port. And if the moneyer be guilty, let the hand be struck off with which he wrought that offence, and be set up on the money-smithy: but if it be an accusation, and he is willing to clear himself; then let him go to the hot-iron, and clear the hand therewith with which he is charged that fraud to have wrought. And if at the ordeal he should be guilty, let the like be done as is here before ordained.

In Canterbury vii. moneyers; iv. the king's, and ii. the bishop's, i. the abbot's.

At Rochester iii.; ii. the king's, and i. the bishop's.

At London viii.

At Winchester vi.

32 33 ealle 34 anpealbe 35 36/ port. 37 mon 38 *not in L.*
 39 ufan on 40/ minet-ſmuðan 41 42 laðie 43/ þæm mon 44/ faen
 45 *not in L.* 46 þonne *add.* 47 þæm 48 49 ylce 50 heþ 51 cpyð
 52 *not in L.* 53 biſceoper 54 and æn 55 *L.* 56 tpegen 57 *L.* 58 an
 59 biſceoper 60 þinteceapre

To ¹Læpe .II.

To Ðærtinga-ceaſtre .I.

Oðer to ²Lýrre-ceaſtre.

To ³Ðam-tune .II.

To ⁴Þær-ham .II.

To ⁵Exe-ceaſtre ⁶.II.

To Sceaſtre-býrūg .II.

Elleſ to ⁷þam oðrum byrūm ⁸.I.:

⁹[BE SLYLD-ÞYRPTUM.]

xv. ¹⁰Feorðe. þ nan ſcýlb-ſýrhta ne lecge ¹¹nan ſceper fell' on ſcýlb. 7 7iſ he hit ¹²ðó. 7ilbe' .xxx. ſcift.:

xvi. ¹³Fifte. þ ælc man hæbbe æt ¹⁴þære ſýhl ¹⁵.II. þel ¹⁶gehoppede men.:

BE ÐÆM ÐE ÆT ÐEOFE MÆD-SLEATTE NIWAD.

xvii. ¹⁷Sihte. 7iſ hpa æt þeofe ¹⁸mēð-ſceatt nime. 7 oðreſ ¹⁹ſýht aſýlle. ²⁰þeo he hiſ 7eſeſ ſcýlbūg.:

BE ÞORSUM.

xviii. ²¹Seorðe. þ' nan man ne ſýlle nan hoſſ 7eſeſ ſæ- butan he hit ²²7iſan ſille.:

²³[BE ÐEOPMAN ÐE FUL ÞURÐE ÆT ORÐALE.]

xix. ²⁴Onð 7e cƿædon be ²⁵þeopan-men. 7iſ he fúl ²⁶ƿurðe æt ²⁷þam orðale. þ ²⁸man 7ulbe' þ ceap-²⁹7ilb. 7 ³⁰ſƿinge hine ³¹man þƿipa' oþþe þ oðer ³²7ilb 7ealde' 7 ſý þ ƿite be ³³healſum ƿurðe æt þam þeopum.:

³⁴[BE ÐON ÐE LEMOT FORSITTE.]

xx. 7iſ hpa 7emot forſitte þƿipa. ³⁵7ilbe þæſ cýn7eſ oſeſhýrnerre' 7 hit ³⁶þeo 7eoſon nihtum 7eboden ær þ 7e- mot ſý. 7iſ he þonne ³⁷ſýht ſýrcan nýlle. ne þa ³⁸oſeſ- hýrnerre ſýllan. þonne ³⁹ſiðan þa ýlðeſcan men ealle to þe to ⁴⁰þære býrūg ⁴¹hiſon. 7 ⁴²nimon eall' þ he a7e. 7 ⁴³ſet- ton hine on boſh. 7iſ hpa þonne ⁴⁴nýlle ſiðan' mið hiſ

¹ Læpeſ ² Lýrreceaſtre ³ Ðamtun ⁴ Þerham ⁵ Exanceaſtre
⁶ tpegen ⁷ þæm ⁸ an ⁹ L. ¹⁰ Þe cƿædon. ¹¹ / ſcæper felle
¹² / 7ýlbe ¹³ not in L. ¹⁴ þær ¹⁵ tpegen ¹⁶ gehoppabe ¹⁷ not
in L. ¹⁸ meþſceat ¹⁹ ſihte ²⁰ be ²¹ / not in L. ²² 7ýſan ²³ L.
²⁴ not in L. ²⁵ þeop- ²⁶ ſýrðe ²⁷ þæm ²⁸ / mon 7ýlbe ²⁹ -7ýlbe

At Lewes 11.

At Hastings 1.

Another at Chichester ;

At Hampton 11.

At Wareham 11.

At Exeter 11.

At Shaftesbury 11.

Else, at the other 'burhs' 1.

OF SHIELD-WRIGHTS.

15. Fourthly: that no shield-wright cover a shield with sheep's skin; and if he so do, let him pay xxx. shillings.

16. Fifthly: that every man have to the plough 11. well-horsed men.

OF THOSE WHO TAKE MEED-MONEY OF A THIEF.

17. Sixthly: if any one take meed-money of a thief, and suppress another's right, let him be liable in his 'wēr.'

OF HORSES.

18. Seventhly: that no man part with a horse over sea, unless he wish to give it.

OF A 'THEOWMAN' WHO IS GUILTY AT THE ORDEAL.

19. And we have ordained respecting a 'theowman: if he were guilty at the ordeal, that the 'ceap-gild' should be paid; and that he be scourged thrice, or a second 'gild' be given: and be the 'wite' of half value for 'theows.'

OF HIM WHO FAILS TO ATTEND THE 'GEMŌT.'

20. If any one [when summoned] fail to attend the 'gemōt' thrice; let him pay the king's 'oferhyrnes,' and let it be announced seven days before the 'gemōt' is to be. But if he will not do right, nor pay the 'oferhyrnes,' then let all the chief men belonging to the 'burh' ride to him, and take all that he has, and put him in 'borh.' But if any one will

30 ƿpýnge 31' ƿpýpa 32' Ʒýlbe Ʒýlle 33' healfan ƿýrðe æt ƿæm ƿeopan.
 34 L. 35' Ʒýlbe cýnninge oferhýrnýrre 36 Ʒý 37 ƿihce 38 ofer-
 hýrnýrre 39 ƿiben 40 ƿær 41 hýpen 42' nimen ealle 43 ƿetten
 44' nelle to-

¹gefeþan. ²gylde cýnġer ³oƿerhýrnerre. And beode man on
⁴þam gemote ꝥ ⁵man eall fruduġe ꝥ re cýnġ fruduian wille. ȝ
forġā ⁶þýrðe be hīr feore ȝ be eallum ⁷þam þe he aġe.
And reþe be ⁸ƿitum ġerƿican nýlle. þonne ⁹ƿiðan þa ýlberƿan
men ¹⁰to ealle þe to þære býrġ ¹¹hýron. ȝ ¹²nimon eall ꝥ
he aġe. ȝ fō re cýnġ to healfum. to healfum þa men þe on
þære ¹³naðe beon. ȝ ¹⁴retton hine on boƿh. Eri he ¹⁵nite
hƿa hine ¹⁶abopġie. hæfƿon hine. Eri he nýlle ¹⁷hit ġe-
þarian. ¹⁸leton hine licġan butan he ¹⁹ætƿinde. Eri ²⁰hƿa
hine ²¹ƿrecan wille. oþþe ²²heora ænġne fælcæce. þonne
²³þeo he fah ƿið þone cýnġ ȝ ƿið ealle hīr fræond. Eri he
²⁴ætƿinde. ȝ hƿā hine feorwige. rý ²⁵he hīr feƿer fcyldig.
butan he hine laðian ðurpe be þær flýman feƿe ꝥ he hine
²⁶flýman nýrte.

26 [BE ÐÆM ÐE FOR ORÐALE ÐINLIAD.]

xxi. Eri hƿa þingie for ²⁷orðal. þingie on ²⁸þam ceap-
gylde. ꝥ he mæġe. ²⁹ȝ naht on ³⁰þam ƿite. butan ³¹hit re
³²ġifan wille þe hit to-ġebýrge.

33 [BE ÐON ÐE OÐRES MANNES MÆN UNDERFEÐD.]

xxii. ³⁴And ne underfō nan man oðrer mannes man-
butan ³⁵hīr leafe þe he ær folġode. Eri hit hƿa ðō. ³⁶aġre
þone man. ȝ bete ³⁷[þær] cýnġer ³⁸oƿerhýrnerre. And nan
man ne ³⁹tæce hīr ⁴⁰ġetihƿledan man fram him. ær he
hæbbe ⁴¹rýht ġeƿorht.

42 [BE ÐON ÐE ORÐALES ÞEDDILAD.]

xxiii. Eri hƿa orðaler þeddiġe. þonne cume he þum nihtum
ær to þæm mæġre-ƿreorfe þe hit halġian fcyle. ȝ feðe hine
rýlfne mid hlafe. ȝ ⁴³mid ƿætere ȝ realte ȝ rýrtum ær he
to-ġan fcyle. ȝ ġertande ⁴⁴him mæġran þæra þreora ⁴⁵ðaġa
ælne. ȝ ġeoffrue to. ȝ ġā to hƿile þý ðæġe þe ⁴⁶he to
þam orðale ġan fcyle. ȝ ⁴⁷feƿeġe þonne þane að. ꝥ he rý

1' ġeferum. 2' gylde 3' oƿerhýrnýrre 4' þæm gemot 5' mon 6' þýrðe
6' þæm 7' þýrġum 8' ƿiðen 9' not in L. 10' hýren 11' nimen ealle
12' nað rýn 13' retten 14' nýt 15' abopġie. hæfƿen 16' not in L.
17' letan 18' oðrinðe 19' þonne add. 20' apprecan 21' heora ænġne
fælcæce L. hine fælcæce B. 22' rý 23' þonne oðrinðe 24' not in L.

not ride with his fellows, let him pay the king's 'oferhynes.' And let it be announced at the 'gemōt,' that the 'frith' be kept toward all that the king wills to be within the 'frith,' and theft be foregone by his life and by all that he has. And he who for the 'wites' will not desist, then let all the chief men belonging to the 'burh' ride to him, and take all that he has; and let the king take possession of half, of half the men who may be in the riding; and place him in 'borh.' If he know not who will be his 'borh,' let them imprison him. If he will not suffer it, let him be killed, unless he escape. If any one will avenge him, or be at feud with any of them, then be he foe to the king, and to all his friends. If he escape, and any one harbour him, let him be liable in his 'wēr,' unless he shall dare to clear himself by the 'flyma's' 'wēr,' that he knew not he was a 'flyma.'

OF HIM WHO COMPOUNDS FOR AN ORDEAL.

21. If any one compound for an ordeal, let him compound for the 'ceap-gild,' as he can, and not for the 'wite;' unless he is willing to grant it to whom it may belong.

OF HIM WHO RECEIVES ANOTHER MAN'S MAN.

22. And let no man receive another man's man, without his leave whom he before followed. If any one so do; let him give up the man, and make 'bōt' the king's 'oferhynes.' And let no one dismiss his accused man from him before he has done what is right.

OF HIM WHO GIVES 'WED' FOR AN ORDEAL.

23. If any one gives 'wed' for an ordeal, then let him come three days before to the mass-priest who is to hallow it; and let him feed himself with bread and with water, and salt, and herbs, before he shall go to it; and let him attend mass each of the three days, and make an oblation, and go to housel on the day that he shall go to the ordeal: and then

25 flýmene 26 L. 27 opðale 28/ þæm ceapgyłbe 29/ napıht 30 þæm
 31 not in L. 32 zýran 33 L. 34 not in L. 35 þær 36 azýre he
 37 L. 38 oferhýpnýrre 39 zetæce 40 zetýhtleðan 41/ riht zepophce
 42 L. 43 not in L. 44 hir 45/ ðaze ylce 46 he add. 47/ fppýrge
 þone

mid ¹fole-¹ryhte unryldig þære ²tihelan ær ³he to ⁴þam
orðale gā. And gif hit ry pæter. ꝥ he geduƿe ⁵oðre healfe
elne on ⁶þam rape. gif hit ry ⁷ýren orðal. beon' þreo ⁸nih
ær ⁹man þa hand ¹⁰undō. And ofga ¹¹ælc man hƿ ¹²tihelan
mid ¹³fope-aðe. rpa pe ær cƿædon. ƿ beo þæra ¹⁴ælc færtende
on ægðera' hand þe þær ¹⁵mid ry. ¹⁶on Goder bebode ƿ þær
¹⁷ærccebycoper. ƿ ne beo þær on ¹⁸naðre healfe na' ma manna
þonne .xii. Gif ¹⁹re getihloda' man maran ²⁰peruðe beo'
þonne ²¹twelfa rum. þonne ²²beo ꝥ ²³orðal a forað. butan hƿ'
him fram gan ²⁴pillan:.

BE ²⁵ÐAM ÐE YRFE BYLLAÐ.

xxiv. ²⁶And reþe ýrfe býcge on ²⁷geƿitnerre. ƿ hit eft
²⁸cýman reyle. þonne onfo re hƿ. þe he hit ær æt-bohte.
²⁹beo he' rpa fpeoh rpa ³⁰þeop rpa' hƿeðer he ry.

And ꝥ nan ³¹cýping ne ry Sunnan-ðagum. gif hit ³²þonne
hƿa dō. þolige þær ³³ceaper. ƿ ³⁴gerýlle .xxx. reit. ³⁵to ƿite:.

BE MĀN-SPORUM.

xxv. ³⁵And reþe ³⁶man-að rƿeruðe. ƿ hit him on open
³⁷ƿurðe. ꝥ he nærre ³⁸eft að-ƿýrðe ne ry. ne binnan nanum
gehalgōdum lic-tune ne licge. þeah he ³⁹forðfare. butan he
hæbbe þær ⁴⁰bycoper geƿitnerre' þe he on hƿ ⁴¹reƿut-reƿe
ry. ꝥ he hit rpa ⁴²gebet hæbbe. rpa him hƿ reƿut reƿe.
And hƿ reƿut hit gecýðe ⁴³þam bycoper' binnan ⁴⁴.xxx.
nihra. hƿeðer he to ⁴⁵þære bote ⁴⁶cýrran ƿolde'. Gif he
rpa ne dō. bete ⁴⁷be þam þe' re byceop ⁴⁸him forðran'
pille:.

xxvi. Gif minra gereƿena ⁴⁹hpýlc þonne' þƿ don nýlle.
⁵⁰ƿ lær ýmbe beo' þonne pe gecƿeden habbað. ⁵¹þonne gilde

1-ryhte 2-tyhtelan 3-þe add. 4-þæm 5-þreo 6-þæm 7'-ren-
ryn 8-nihste 9-mon 10-onðo 11-ýlc 12-tyhtan 13-fopeað 14'-ýlc
færtende on ægðere 15-not in L. 16-be 17-bycoper 18'-napðre
healfa 19'-þonne re getýhleða 20'-peopod ry 21-xii. 22-ry
23'-orðale forðe buton hi 24-pille 25-þæm 26-not in L. 27-ge-
ƿitnýrre 28-mon teaman 29'-ry 30'-þeope 31-ceaping 32-not in L.

swear the oath that he is, according to folk-right, guiltless of the charge, before he goes to the ordeal. And if it be water, that he dive an ell and a half by the rope; if it be iron ordeal, let it be three days before the hand be undone. And let every man begin his charge with a fore-oath, as we before ordained: and be each of those fasting, on either hand, who may be there together, by God's command and the archbishop's: and let there not be on either side more men than XII. If the accused man be with a larger company than some twelve, then be the ordeal ^a void, unless they will go from him.

OF HIM WHO BUYS PROPERTY.

24. And he who buys property with witness, and is after obliged to vouch it to warranty, then let him receive it from whom he before had bought it, whether he be free or bond, whichsoever he be.

And that no marketing be on Sundays; but if any one so do, let him forfeit the goods, and pay xxx. shillings as 'wite.'

OF PERJURORS.

25. And he who shall swear a false oath, and it be made clear against him; that he never after be oath-worthy, nor let him lie within a hallowed burial-place, though he die, unless he have the testimony of the bishop in whose shriftshire he may be, that he has made such 'bōt' as his confessor prescribed to him. And let his confessor announce to the bishop, within xxx. days, whether he would turn to the 'bōt.' If he do not so, let him make 'bōt' in such wise as the bishop shall prescribe to him.

26. But if any of my reeves will not do this, and care less about it than we have commanded; then let him pay my

33 ceapzylb 34 rylle 35 *not in L.* 36 mænne- 37 peorðe 38 *not in L.* 39 zefæpe 40' byceoper 41 zepitnýrre 42 zebete
43' þær byceop 44 þritizum 45 þær 46' pille 47' rpa 48' hine
forzýran 49' zehpýlce 50' oþpe lærre ýmb rý 51' zýlbe min oþer-
hýpnýrre

he mine oferhýrnerre.¹ ȝ ic finde oðerne þe ¹píle. And ge
²býrceop amanȝe þa ³oferhýrnerre æt þam⁴ ȝerefan þe ⁴hit
on hīr folȝoðe rý. Seþe of ⁵þīrra ȝeræðnerre ȝā. ȝylde⁶ æt
rnum-⁶cýrre .v. punde. æt oðrum ⁷cýrre hīr ȝere.⁷ æt þrūd-
dan ⁸cýrre þolȝe ⁹ealles þær þe he aȝe. ȝ ure ealra rreond-
rceper.

^a [Calle þīr þær ȝerettet on þam miclan rýnoð æt ^bGræat-
anleage. on þam þær ge ærcebýrceop Pulphelme mid eallum
þæm æðelum mannum ȝ rrotan þe Æðelstan cýning ȝegadrnan
.^c :.]

¹ píle ² býrceope ³ oferhýrnýrre æt þæm ⁴ *not in L.* ⁵ þīr
ȝeræðnýrre ȝā. ȝylde ⁶ -cýrre ⁷ cýrre hīr ȝer ⁸ *omitted.*
⁹ ealle

‘oferhynes,’ and I will find another who will. And let the bishop exact the ‘oferhynes’ of the reeve in whose following it may be. He who goes from this ordinance, let him pay for the first time v. pounds; for the second time, his ‘wēr;’ for the third time, let him forfeit all that he has, and the friendship of us all.

^a All this was established in the great synod at ^b ‘Great-anlea:’ in which was the archbishop Wulfhelm, with all the noble men and ‘witan’ whom King Æthelstan gather.^c

^a This passage is given by Lambarde, but it is not found in our ms.

^b Probably Greatley near Andover, Hants.

^c [The sentence is here manifestly incomplete.—*T.*]

II.

DECRETUM EPISCOPORUM ET ALIORUM SAPIENTUM DE KANCIA DE PACE OBSERVANDA.

^a Karissime, Episcopi tui de ¹Kancia et omnes Cantescyre Thaini, Comites, et Villani tibi Domino ²karissimo suo gratias agunt, quod nobis de pace nostra præcipere voluisti, et de commodo nostro ³quærere et consulere, quia magnum inde nobis est opus, divitibus et ⁴pauperibus.

Et hoc incepimus quanta diligentia potuimus ⁵auxilio sapientum eorum quos ad nos misisti; unde, ⁶karissime Domine, primum est de decima nostra, ad ⁷quam multum cupidi sumus et voluntarii, et tibi ⁸suppliciter gratias ⁹reddimus admonitionis tuæ.

Secundum est de pace nostra, quam omnis populus teneri desiderat, sicut apud Greateleyam sapientes tui posuerunt, et sicut etiam nunc dictum est in concilio apud ¹⁰Fauresham.

Tertium est quod gratiant omnes misericorditer ¹¹te, karissimum Dominum suum, ¹²super dono quod forisfactis hominibus concessisti, hoc est quod pardonatur omnibus forisfactura de quocunque furto quod ante concilium de Fauresham factum fuit, eo tenore ¹³ut semper deinceps ab omni malo quiescant, et omne latrocinium ¹⁴suum confiteantur et emendent hinc ad Augustum.

Quartum, Ne aliquis recipiat alterius hominem sine licencia ¹⁵eius cui ¹⁶ante folgavit, nec intra ¹⁷mercam nec extra. Et etiam ne dominus libero homini ¹⁸hlaforðsoknam interdicit si eum recte custodierit.

¹ Kent et omnis Kentescire thayni *Br.* tayni *M.* *The variations without initials are common to Br. and M.* ² dilectissimo ³ perquirere ⁴ egenis ⁵ consilio horum sapientum ⁶ charissime *Br.* ⁷ quod valde ⁸ supplices ⁹ agimus ¹⁰ Fefresham. ¹¹ hermerum ¹² de *Br.* ¹³ quo ¹⁴ wanting in *Br. M.* ¹⁵ ipsius ¹⁶ prius ¹⁷ marcam ¹⁸ hlasocnam

^a [The text of Æthelst. II. and III. is from a collation of the Cott. ms. Claud. D. II. with Bromton and the Macro ms., which closely resemble each other.—*T.*]

Quintum, Qui ex hoc discedat sit dignus eorum quæ in scripto pacis ¹dicuntur, quod apud Greateleyam institutum est.

Sextum, Si aliquis homo sit adeo dives vel tantæ parentelæ ²ut castigari non possit, vel ³idem cessare nolit, ut ⁴facias qualiter abstrahatur in aliam aliquam partem regni tui, sicut dictum est in occiduīs partibus, sit alterutrum quod sit, sit comitum, sit villanorum.

Septimum⁵, ut omnis homo teneat homines suos in fidejussione sua contra omne furtum. Si tunc sit aliquis qui tot homines habeat quod non sufficiat omnes custodire, præponat sibi singulis villis præpositum ⁶unum, qui credibilis sit ei, et qui concedat hominibus. ⁷[Et si præpositus alicui eorum hominum concedere non audeat inveniat XII. plegios cognationis suæ qui ei stent in fidejussione.] Et si ⁷[dominus vel] præpositus vel aliquis homo hoc infringat vel abhinc exeat, sit dignus eorum quæ apud Greateleyam dicta sunt, nisi regi ⁷[magis] placeat alia justitia.

Octavum, Quod omnibus placuit de opere scutorum sicut dixisti.

Precamur Domine misericordiam tuam, ⁸si in hoc scripto alterutrum sit,⁹ vel nimis vel minus, ut hoc ⁹emendari jubeas ¹⁰secundum velle tuum. Et nos devote parati sumus ad omnia quæ nobis præcipere velis, quæ unquam aliquatenus implere valeamus.

III.

DECRETUM SAPIENTUM ANGLIÆ.

^a UBI HÆC JUDICIA FUERUNT INSTITUTA.

I. Hæc sunt judicia quæ sapientes ¹¹Exoniæ consilio ¹²Æpelstani regis instituerunt, et iterum apud ¹³Fauresham, et tercia vice apud ¹⁴Dunresfelde^b, ubi ¹⁵totum hoc diffinitum simul et confirmatum est.

¹ habentur ² quod *Br.* cur *M.* ³ illud *Br.* ⁴ efficias ⁵ est *add. Br. M.* ⁶ talem ⁷ not in *Cott.* ⁸ sit in hoc, sit in alterutrum ⁹ emendare ¹⁰ juxta ¹¹ Oxoniæ *Cott.* ¹² Adelstani *Br.* ¹³ Æpelstani *M.* ¹⁴ Feuresham *Br.* ¹⁵ Thundresfeldium *M.* ¹⁶ *wanting in Br. M.*

^a [These rubrics are from Bromton.—*T.*]

^b Thundersfield, near Horley in Surrey, apparently.

DE JUDICIIS OBSERVANDIS QUÆ APUD GREATELEYAM
EDITA FUERUNT.

II. Et hoc in primis est, ut observentur omnia judicia quæ apud Greateleyam posita fuerunt, præter mercatum civitatis et diei Dominicæ.

DE DIVITIBUS VEL GENEROSIS A FURTO VEL LATRONUM
FIRMATIONE NON DESISTENTIBUS.

III. Et si quis adeo dives sit, vel tantæ cognitionis, ut a furto vel defensione latronum vel firmatione revocari non possit, educatur de patria¹ ista cum uxore, et pueris, et omnibus rebus suis, in eam partem regni hujus quam rex² velit, sit quicumque sit, sit comitum, sit villanorum; eo tenore quo nunquam in³ patriam⁴ redeat, ⁵et deinceps nunquam obviet alicui in patria ista, sed sit tanquam fur inter manus habens inventus. Et qui eum firmabit, vel suorum⁶ aliquem mittet ad eum, pecuniæ suæ reus sit in omnibus quæ habebit. ⁷Hoc autem igitur est quia juramenta et vadia, quæ regi et sapientibus suis data fuerunt, semper infracta sunt et minus observata quam Deo et seculo convenient.

DE ILLO QUI ALTERIUS HOMINEM RECEPIT.

IV. Et qui alterius hominem⁸ suscipiet intra⁹ mercam vel extra, quem pro malo suo dimittat et castigare non possit, reddat regi centum viginti solidos, et redeat intus unde exivit, et rectum faciat ei cui¹⁰ servivit antea.

NE DOMINUS LIBERO HOMINI JUS PROHIBEAT.

V. Et¹¹ item, ne dominus libero homini¹² hlaforðsocnam prohibeat, qui ei per omnia rectum fecerit.

DE FURE QUI PERSONAM VEL LOCUM PACIS ADIERIT.

VI. Et¹³ sic fur qui furatus est postquam concilium fuit apud¹⁴ Ðunresfeld, vel¹⁵ furetur, nullo modo vita dignus¹⁶ habeatur; non per socnam, non per pecuniam, si per verum reveletur in eo; sit liber, sit servus, sit comitum, sit villanorum, ¹⁷sit quicumque sit, sit handhabenda, sit non¹⁸ handhabenda; si pro

¹ *wanting in Br. M.* ² *voluerit* ³ *patria Br. patriam M.* ⁴ *revertatur*
⁵ *et si nunquam in patria ista obviet alicui, sit tanquam in manus habens fur Cott.* ⁶ *quempiam mittat ad illum* ⁷ *not in Br. M.*
⁸ *recipiet* ⁹ *marcam* ¹⁰ *servierat.* ¹¹ *iterum* ¹² *hlaforðsconam* ¹³ *si*
¹⁴ *Thundresfeldium* ¹⁵ *furabitur* ¹⁶ *sit* ¹⁷ *sit domina, sit pedissequa*
add. Br. M. ¹⁸ *habbenda*

certo sciatur, ¹id est si aplata sit, vel in ordalio reus ²sit, vel per aliud aliquid ³culpabilis innotescat. Si regem vel archiepiscopum requirat vel sanctam Dei ecclesiam, habeat novem noctes de termino, et quærat quicquid quærat, non habeat vitam diutius, de quo ⁴vere palam erit, nisi capi non possit. ⁵Si autem fugiat persequatur ei cui obviabit; qui ei pepercerit, vel eundem firmaverit, indignus sit omnium quæ habebit et vitæ suæ, sicut fur, nisi se possit allegiare quod nec furtum cum eo sciret nec facinus, pro quo vitæ suæ reus esset. Si comitem vel abbatem vel aldermannum vel thaynum requirat, habeat terminum tres noctes, et querat quicquid querat ut supra. Si libera mulier sit, præcipitur de clivo vel submergatur. Si servus homo sit, eant ⁶sexaginta et viginti servi et lapident eum; et si colpus alicui fallat ter, verberetur et ipse ter. ⁷Tunc quando furatus servus mortuus ⁸fuerit, reddat unusquisque servorum illorum tres denarios domino suo. Si serva ancilla sit, et ⁹ipsa furetur alicubi ¹⁰præterquam domino ¹¹suo et dominæ suæ, adeant sexaginta et viginti ancillæ, et afferant singulæ tria ligna et comburant ¹²eam unam ancillam, et conferant totidem denarios quot servi deberent; aut verberentur sicut de servis dictum est.

DE INFRINGENTIBUS ISTA STATUTA ET EORUM PŒNA.

VII. Et si quis præpositus hoc ¹³non fecerit, nec inde curam ¹⁴habuerit, det regi centum viginti solidos, si ¹⁵per verum recitetur super eum, et etiam ¹⁶indecentiam perferat sicut ¹⁷dictum est: et si thainus sit, qui hoc faciat, vel aliquis alius, ¹⁸sit hoc idem.

¹ si verbum non direxerit, ut ailata (aplata *M.*) sit ² appareat ³ not in *Cott.* ⁴ verere *Cott.* ⁵ Si episcopum vel comitem vel abbatem, vel aldermannum, vel thaynum requirat, habeat de termino (terminum *M.*) III. noctes, et quærat quod quærat, non habeat vitam diutius sed (si *M.*) capiatur. Si aufugiat, persequatur eum omnis homo super vitam suam, et qui ei obviabit, rex vult quod eum occidat (qui velit quod rex et occidat eum cui obviabit, &c. *M.*) Qui ei pepercerit, vel eundem firmabit, sicut fur, suæ vitæ et omnium quæ habebit indignus sit, nisi se possit adlegiare, quod nec furtum cum eo scivit (sciverit *M.*) aut factum pro quo mortis esset reus. *Br.* ⁶ xx. ⁷ Et ⁸ erit ⁹ illa ¹⁰ præter ¹¹ wanting in *Br. M.* ¹² ipsam ¹³ disperdat ¹⁴ adhibeat ¹⁵ pro vero ¹⁶ evidentiā ¹⁷ diximus ¹⁸ not in *Cott.*

IV.

^a ¹Æðelſtan cýnſ cýð. ꝥ ic hæbbe ²geahrod ꝥ ure ³frýð
 1ſ pýpſe' gehealben þonne me lýrte. oþþe hit æt ⁴Œreat-
 anlea gecpeben' pæpe. 7 ⁵mine witan ſecgað ꝥ ic hit to ⁶lange
 forþoren hæbbe. Nu hæbbe ic ⁷gefunðen mid þæm wítum
 þe mid me pæron æt Exan-ceaſtre to ⁸miððan-wintre. ꝥ þa
 ealle ⁹beon gearwe mid ¹⁰him ſiſfum. 7 mid wífe. 7 mid
¹¹æpfe. 7 mid eallum þingum. to ¹²ſæpenne wíðer ic ¹³wille.
 butan ¹⁴hý ofer þiſ geſpican willan. on þa ¹⁵gepað ꝥ hý'
 næpfe eft on ¹⁶earð ne cuman.' And ſiſ ¹⁷heo man' æpfe
 eft on ¹⁸earðe gemete.' ꝥ ¹⁹hý ſýn ſpa ſcýlbis ſpa ſeþe æt
²⁰habbenðre handa ²¹geſanzen ſý.' And ſeþe ²²hý feor nize.
 oþþe ²³hýſa manna ænizne. oþþe ²⁴ænizne man to-ſænde.
 ſý he ²⁵ſcýlbis hiſ ſýlfeſ 7 ealles þæſ þe he aze. ꝥ iſ þonne.
²⁶forþan þe þa aðaſ 7 þa weðð 7 þa boſgaſ ²⁷ſýnt ealle
²⁸oferhaſene 7 abrocene þe ²⁹þæſ geſealde' pæron. And we
³⁰nýtan nanum oðrum þingum to ³¹geſpurnanne butan hit
 þiſ ſý:

BE ÐON ³²ÐE OÐRES ³³MANNES MAN UNDERFEÐ.

1. And ſeþe oðreſ manneſ man undeſſo. þe he for hiſ
³⁴ýfele him ³⁵fram do. 7 him ³⁶geſpurnian ^b ne mæge hiſ
³⁷ýfeleſ. gýlde' hine þæm þe he ær folgoðe. 7 geſýlle ³⁸þam
 cýnge' .c.xx. ſcift. Siſ ſe hlaforð þonne wille ³⁹þane man'
 mid poſ forðon. beſece hine þonne ſiſ he ⁴⁰maze on folc-
 gemote. 7 ſiſ he ⁴¹laðleaſ ⁴²beo. ſece ſpýlcne hlaforð' on þa
⁴³geſpurneſſe ſpýlcne' he ⁴⁴wille. forþý þe ic an' ꝥ ⁴⁵ælc þara'

¹ Ic *add.* ² geacrod ³ frýð iſ pýpſ ⁴ Œreatanlæze gecpæben
⁵ mine *B.* *mina H.* ⁶ long ⁷ funben ⁸ miððum- ⁹ ſýn ¹⁰ hiſe
 ſýlfum ¹¹ ýpfe ¹² ſæpenne wíðer ¹³ þonne ¹⁴ hi ¹⁵ geſeþe þe
 heo ¹⁶ eorða ne cumen ¹⁷ hi mon ¹⁸ þæm eorða gemette ¹⁹ hi
²⁰ hebbenþra ²¹ geſonzen ſýn ²² hi ²³ heopa ²⁴ æniz mon him

^a [I cannot agree with Dr. Schmid in distinguishing the following enactments by the title of 'Council of Exeter,' because, from the preamble, it evidently appears that they are not a record of that council, which is therein mentioned as a past event, but rather a

IV.

^a Æthelstan king makes known: that I have learned that our 'frith' is worse kept than is pleasing to me, or it at 'Great-anlea' was ordained; and my 'witan' say that I have too long borne with it. Now I have decreed with the 'witan' who were with me at Exeter at mid-winter; that they [the 'frith'-breakers] shall all be ready, in themselves and with wives and with property and with all things, to go whither I will, (unless from henceforth they shall desist,) on this condition, that they never come again to the country. And if they shall ever again be found in the country, that they be as guilty as he who may be taken 'hand-habbende.' And he who shall entertain them or any one of their men, or send any man to them, be he liable in himself and in all things that he has: now that is, because that the oaths, and the 'weds,' and the 'borhs' are all disregarded and broken which there were given; and we know of no other things to trust in except it be this.

OF HIM WHO RECEIVES ANOTHER MAN'S MAN.

1. And he who receives another man's man, whom he for his evil conduct turns away from him, and whom he cannot ^b clear of his evil, let him pay for him to him whom he before followed, and give to the king cxx. shillings. But if the lord will foredo the man wrongfully; then let him clear himself, if he can, at the folk-mote: and if he be innocent, let him seek whatever lord he will, in virtue of that testimony; because I

to-ſenbe ²⁵ ſcildig ²⁶ forþæm ²⁷ gýn ²⁸ ofephefene ²⁹ þær ge-
 fealb ³⁰ nýten ³¹ ȝeſceopizanne ³² omitted. ³³ monner ³⁴ ſfle
³⁵ from ³⁶ ȝeſceopan ³⁷ ſfle. ȝilbe ³⁸ þæm cýnz ³⁹ þone mon
⁴⁰ mæge ⁴¹ lablear *H.* ⁴² gý. ȝæte hſýlcne hlaforþe ⁴³ ȝepit-
 nýrre ſſelcne ⁴⁴ þonne pille. forþon ic pille ⁴⁵ ſlc þæra

re-promulgation of certain of the laws passed there and at Thundersfield.—*T.*]

^b [The reading of ms. *B.* (ȝeſceopan) 'restrain, correct,' is far preferable to that of the text, and is supported by the Latin, which has: 'et *castigare* non possit.' See p. 218.—*T.*]

þe ¹laðleas beo. ²folgie ppýlcum hlaforde ³ppýlcum he pille.
 And ⁴ppýlc gerefa ⁵ppýlc þis ⁶forðgýmeleasre. ⁷ymbe beon
 nýlle. ⁸gerýlle ⁹þam cingre ¹⁰his ¹¹oferhýmýrre. ¹²gis ¹³hit man
 him ongerecce mid roðe. ¹⁴[¹⁵he hine ungereccan ne mæge.]
 And ppýlc gerefa ¹⁶ppýlc med-rcear nime. ¹⁷oðre ¹⁸pýht
 þurh ¹⁹þ alecge. ²⁰gýlde þæs ²¹cinger oferhýmýrre. ²²he
²³rege ²⁴eac þa ungerigenu. ²⁵ppa ²⁶ppa ²⁷pe ²⁸gecpeðen habbað. And ²⁹gis
 hit ³⁰gý ³¹þegen þe hit do. ³²gi ³³þ ³⁴ýlce.

And nemne ³⁵man on ³⁶ælcer gerefan ³⁷manunge ³⁸a ³⁹ppa
⁴⁰þela manna ⁴¹ppa ⁴²man ⁴³rite ⁴⁴þ ⁴⁵unðelýgne gýn. ⁴⁶þ ⁴⁷hý beon
 to geritnerre ⁴⁸gehpýlcepe ⁴⁹ppæce. And ⁵⁰rien heora aðas
⁵¹unðelýgenra manna be þæs feor pýrðe butan cýre:

⁵²[BE DON ÐE YRFE BESPIRILE.]

ii. ⁵³And ⁵⁴reþe ⁵⁵berpýrge ⁵⁶ýrre ⁵⁷innan oðre land. ⁵⁸arri-
 ge hit ut. ⁵⁹reþe ⁶⁰þ land age. ⁶¹gis he mæge. ⁶²gis he ne mæge.
 rtande ⁶³þ ⁶⁴ppor ⁶⁵for þone ⁶⁶for-að. ⁶⁷gis he þær-inne hræne
 teo:

iii. And ⁶⁸man ⁶⁹ginge ⁷⁰ælce Fmðæge æt ælcum mýnre
 ealle þa ⁷¹roðer þeopan an ⁷²rtig ⁷³[realmar] ⁷⁴for þone cýng.
 he for ealle ⁷⁵þe ⁷⁶þillað ⁷⁷þ he ⁷⁸pile. ⁷⁹he for þa ⁸⁰oðre ⁸¹ppa ⁸²hý
⁸³geearnian:

⁸⁴[And ⁸⁵ýlce man þe ⁸⁶pille ⁸⁷mot ⁸⁸gebeten ⁸⁹ýlce ⁹⁰getale ⁹¹pið þone
 teonde. ⁹²butan ⁹³ýlcum ⁹⁴rite ⁹⁵oð ⁹⁶long-ðasas. ⁹⁷he beo ⁹⁸gýþan ⁹⁹ppa
 hit ær þæs:] ¹⁰⁰

iv. And ¹⁰¹pe ¹⁰²gecpeðon æt Ðunre-felða on þæm gemote. ¹⁰³gis
 hýlc þeof oþþe neafene ¹⁰⁴gerohte þone ¹⁰⁵cýng. ¹⁰⁶oþþe ¹⁰⁷hpýlce
 cýrcan ¹⁰⁸he þone ¹⁰⁹þircor. ¹¹⁰þ he ¹¹¹hæbbe ¹¹²nigon ¹¹³nihtra ¹¹⁴gýrre. And
 gis he ealderman. ¹¹⁵oþþe ¹¹⁶abbud. ¹¹⁷oþþe ¹¹⁸þegen ¹¹⁹rece. ¹²⁰hæbbe ¹²¹þneora
 nihtra ¹²²gýrre. And ¹²³gis ¹²⁴hine ¹²⁵hpa ¹²⁶lecge ¹²⁷binnan ¹²⁸þæm ¹²⁹gýrre.

¹ laðleas *H.* ² folgie ³ ppýlce he þonne pýlle ⁴ ppýlce ⁵ forðgý-
 meleasre ⁶ ymb beo ⁷ þæm cýng ⁸ oferhýmýrre ⁹ hine mon
¹⁰ *L.* ¹¹ ppýlce mðrcearas ¹² rihte ¹³ cýnger oferhýmýrre
¹⁴ æt ¹⁵ gecpeðen ¹⁶ þegn ¹⁷ gý ¹⁸ ýlc ¹⁹ mon ²⁰ ýlcer ²¹ mo-
 nunge ²² þela ²³ mon ²⁴ unðelezene ²⁵ not in *L.* ²⁶ gehpýlce

^a The reeve's 'manung' seems to have been co-extensive with
 and equal to his following (folgoð), and to have comprised all re-

grant that each of them who is innocent may follow such lord as he will. And such reeve as shall neglect this, and will not care about it, let him pay to the king his ‘oferhyrnes,’ if any one truly charge it to him, and he cannot exculpate himself. And such reeve as shall take meed-money, and thereby suppress another’s right; let him pay the king’s ‘oferhyrnes,’ and also bear the disgrace, so as we have ordained. And if it be a thane who shall so do, be it the like.

And let there be named, in every reeve’s ^a ‘manung,’ as many men as are known to be unlying, that they may be for witness in every suit. And be the oaths of these unlying men, according to the worth of the property, without election.

OF HIM WHO TRACES CATTLE.

2. And he who traces cattle into another’s land; let him trace it out who owns that land, if he can; if he cannot, let the tracing stand for the fore-oath, if he accuse any one therein.

3. And let there be sung every Friday, at every monastery, by all God’s servants, a fifty [psalms] for the king, and for all who will what he wills; and for the others, as they may merit.

And every man that will may make ‘bōt’ for every theft with the accuser, without any kind of ‘wite,’ until Rogation days; and be it after that as it was before.

4. And we ordained at Thunresfeld in the ‘gemōt:’ if any thief or robber should flee to the king, or to any church and to the bishop; that he have a term of nine days. And if he flee to an ‘ealdorman,’ or an abbqt, or a thane, let him have a term of three days. And if any one slay him within that

27 *ryn* 28 *unzelægenpa* 29 *L.* 30 *not in L.* 31 *berpūize* 32 *mon*
 33 *arpyūize* 34 *hpone* 35 *mon* 36 *ylce Fpizbæge æt ylceum* 37 *Ɔob-*
ber peopar 38 *L.* 39 *pa þe pillen þæt he pille* 40 *pa add.* 41 *Ɔpa*
Ɔeeapnizen 42 *add.* 43 *Here Lambarde ends as to Æthelstan, except*
the addition of Be pepum.

siding within his jurisdiction, and owing obedience to his summons (manung).

^b This should be either ‘Ɔeeapnen’ or ‘Ɔeeapnian maƆon.’

þonne geþeote he þæs mund-býrðe þe he ær rohte. oþþe he hine tpeþra gum laðige þ he þa rocne nýrte. And rece ppýlce rocne ppýlce he rece. þ he ne rý hir feoƿer pýrðe butan ppa feola nihta ppa pe hep be-ufan cpædon. 4 reþe hine ofep þ feorpmige. rý þæs ilcan pýrðe þæs þe re þeop. butan he hine laðian mæge þ he him nan facn ne nane þýrðe on nýrte.

v. Ður feop pceal beon þæs cingep 7pud fram hir burh-geate þær he iſ pittenbe on feoƿep healfe hir. þ iſ. .iiii. mila. 4 .iii. fuplang. 4 .iii. æcepa hræde. 4 .ix. fōta. 4 .ix. pcefta munda. 4 .ix. bepe-copna.

1 BE BLÆSERUM AND' BE MORD-SLIPTUM.

vi. Þe ²cpædon be þam ³blæſepum 4 be þam ⁴morð-rlýhtum. þ ⁵man dýpte þone að be þpýfealdum. 4 mýclade þ opdal-⁶ýren þ' hit ⁷gepege þpý' pund. 4 eode re man rýlf to þe man ⁸tupe. 4 hæbbe re ⁹teonð cýpe ppa pætep-opdal ppa ¹⁰ýren-opdal ppa hræðep ¹¹him ¹²leoſpe rý. Líf he ¹³þone ¹⁴að forð-brungan ne mæg. 4 he þonne fúl rī. pstande on þæpa ýldeſta manna dome hpeðep he lif æge þe naſe þe to þæpe býpug hýpan.

BE FORFENLE.

Forpang ofep eall. rý hit on anpe ^apcepe rý hit on mā. pſtýne peningap. 4 æt ælcon pmalon ofpe æppe æt pcyll. penig.

^bEmbe forpang pitan habbað gepædd þ man ofep eall Engle-land gelicne dom healde. þ iſ. æt men pſtene peningap. 4 æt hoppe heal ppa. rý hit ofep ane pcepe. rý hit ofep mā. ðe læp ðe unmihtig man feopp for hir agenon

^{1'} not in B. which here re-commences. ² cpædon B. ³ blæſepum B. ⁴ morð-rlýhtum B. ⁵ mon B. ^{6'} -ýren þet B. ^{7'} gepæge ppeo B. ^{8'} B. ⁹ reþe týhð B. ¹⁰ ýren- B. ¹¹ ppa B. add. ¹² leoſpe B.

^a [Though the mss. concur in reading pcepe, the mistake is too obvious to be perpetuated.—T.]

term; then let him make 'bōt' the 'mund-byrd' of him-whom he before had fled to; or let him clear himself with some twelve that he knew not of the 'socn.' And flee he to such 'socn' as he may flee to, that he be not worthy of his life but as many days as we here above have declared; and he who after that harbours him, let him be worthy of the same that the thief may be, unless he can clear himself, that he knew no guile nor any theft in him.

5. Thus far shall be the king's 'grith' from his 'burh'-gate where he is dwelling, on its four sides; that is, III. miles, and III. furlongs, and III. acres breadth, and IX. feet and IX. palms and IX. barleycorns.

OF INCENDIARIES AND 'MORTH'-SLAYERS.

6. We have ordained concerning incendiaries, and concerning 'morth'-slayers; that the oath be augmented by threefold, and the ordeal-iron be increased so that it weigh three pounds; and that the man himself who is accused should go thereto, and let the accuser have the choice whether of water-ordeal or of iron-ordeal, whichever to him be the more desirable. If he cannot bring forth the oath, and he then be guilty, let it stand within the doom of the chief men belonging to the 'burh,' whether he shall have or not have his life.

OF FORFANG.

Let 'forfang' everywhere, be it in one shire be it in more, be fifteen pence, and for every one of small cattle always for each shilling a penny.

^b Concerning 'forfang' the 'witan' have counselled, that like judgment be held all over England; that is, for a man fifteen pence, and for a horse as much; whether it be in one shire, whether it be in more; lest that a powerless man toil far for

leoƿpa *H.* ¹³ þonne *B.* ¹⁴ Here *B.* closes, and in place of the catch-word is written 'Hic desunt 2 cap.'

^b [This supplement to the title 'Of Forfang,' which had previously been known only from Bromton's Latin, is from *B.—T.*]

ƿpince. ⁊ eac to feola ƿýlle. ^a Ðpilon ƿtob þ̅ man æt ælcon
ðeoƿ-ƿtolenan oƿfe ⁊ be hiƿ foƿfange ƿýlle. þ̅ iƿ
æt ælcon ƿciff. ƿeniƿ. ƿý ðæƿ cýnneƿ oƿfe ðe hit ƿý. ƿýƿ hit
man æt ðeoƿeƿ handa ahpæc. ƿýƿ hit ðonne eller on hýdeleƿe
ƿunden ƿý ðonne mæƿ þ̅ foƿfanz-ƿeoh leohƿe beon. ƿoƿðam

* hit bið.

* bið on læƿƿe ƿlihte beƿýtan:.

DOM BE ƿATAN ÍSENE AN[D] ƿÆT̅.

vii. And oƿ þam oƿdale ƿe beheodað Frodeƿ beboðū. ⁊ þæƿ
aƿceð. ⁊ ealƿa biƿceopa. þ̅ nān mann ne cūme innon þæƿe
ciƿicean ƿiþþan man þ̅ ƿýƿ inbýrð. þe man þ̅ oƿdal mid
hætan ƿceal. buton ƿe mæƿƿe-ƿneorƿ. ⁊ ƿeþe þaƿtō ƿān ƿceal.
⁊ beo þ̅æƿ ƿemēten nýƿon ƿēt. oƿ þam ƿtācan to þæƿe
meaƿce. be þæƿ manneƿ ƿōtan þe þaƿtō ƿæð. And ƿiƿ hit
þonne ƿæteƿ ƿý. hæte man hit oð hit hleoƿe to ƿýlme. ⁊
ƿi þ̅ ālƿæt íƿen oþþe æƿen. leaðen oþþe læmen. And ƿiƿ
hit anƿeald * cýhle ƿý. ðūƿe ƿeo hand æƿteƿ þam ƿtane oð
þa ƿƿiƿte. ⁊ ƿiƿ hit þƿýƿeald ƿý. oð þæne ēlbogan. And
þonne þ̅ oƿdal ƿeāƿa ƿý. þonne ƿan tƿegen menn inn oƿ
æƿðƿe healƿe. ⁊ beon hiƿ ānƿæde þ̅ hit ƿƿa hāt ƿý ƿƿa ƿē
æƿ cƿædon. And ƿān inn emƿela manna oƿ æƿðƿe healƿe.
⁊ ƿtande on tƿa healƿe þæƿ oƿdaleƿ andlang þæƿe cýƿicean.
⁊ þa beon ealle ƿæƿtende. ⁊ ƿƿam heopa ƿíƿe ƿehealdene
þæƿe nýhte. ⁊ ƿƿrænƿe ƿe mæƿƿe-ƿneorƿ halıƿ-ƿæteƿ oƿeƿ
hiƿ ealle. ⁊ heopa ælc abýƿuƿe þæƿ halıƿ-ƿæteƿeƿ. ⁊ ƿýlle
heom eallum cýƿƿan bōc ⁊ Lƿiƿteƿ ƿode-tacn. ⁊ na bēte nān
man þ̅ ƿýƿ na lænƿe þonne man þa halƿunƿe onƿínne. ac
licƿe þ̅ iƿen uppan þam ƿledan oþþæt þa æƿtemertan colf.
leƿe hit man ƿýþþan uppan þam ƿtāpelan. ⁊ ne ƿý þæƿ
nan oðeƿ ƿƿæc inne buton þ̅ hiƿ biððan Froð Ælmihtıƿ ƿeoƿne
þ̅ he þ̅ ƿoðeƿte ƿeƿƿýtelie. And ƿā he tō. ⁊ c-in-ƿeƿlıƿe man
þa hand. ⁊ cƿēce man oƿeƿ þæne þƿiððan ðæƿ ƿƿa hƿæðeƿ
ƿƿa heð beð ƿul ƿƿa clæne binnan þam in-ƿeƿle. And ƿeþe

* L. cýhte.

^a [Here the Saxon text, which is evidently defective, differs widely from the Latin in Bromton, viz., ‘Aliquando fuit quod forfang dabatur secundum numerum comitatum; sed antiquum rectum est, ut de omni furtivo pecore,’ &c.—*T.*]

^b [Stāpela, which may also signify a pile (of wood, &c.), seems, in this place, to be synonymous with ƿtāca.—*T.*]

‘And let his hand be sealed up.’—*P.* [But ƿeƿl is the Lat.

his own, and also pay too much. ^a Formerly it stood, that for all stolen cattle and on its 'forfang,' payment be made; that is, for every shilling a penny, be the cattle of whatever kind it may, if it be rescued from the hand of a thief: but if otherwise it be found in a hiding place, then the 'forfang'-money may be less, because it was gotten with less danger.

DOOM CONCERNING HOT IRON AND WATER.

7. And concerning the ordeal we enjoin by command of God, and of the archbishop, and of all bishops: that no man come within the church after the fire is borne in with which the ordeal shall be heated, except the mass-priest, and him who shall go thereto: and let there be measured nine feet from the stake to the mark, by the man's feet who goes thereto. But if it be water, let it be heated till it low to boiling. And be the kettle of iron or of brass, of lead or of clay. And if it be a single accusation, let the hand dive after the stone up to the wrist; and if it be threefold, up to the elbow. And when the ordeal is ready, then let two men go in of either side; and be they agreed that it is so hot as we before have said. And let go in an equal number of men of either side, and stand on both sides of the ordeal, along the church; and let these all be fasting, and abstinent from their wives on that night; and let the mass-priest sprinkle holy water over them all, and let each of them taste of the holy water, and give them all the book and the image of Christ's rood to kiss: and let no man mend the fire any longer when the hallowing is begun; but let the iron lie upon the hot embers till the last collect: after that, let it be laid upon the ^b 'stapela;' and let there be no other speaking within, except that they earnestly pray to Almighty God that he make manifest what is soothest. And let him go thereto; and let his hand be ^c 'enveloped, and be it postponed till after the third day, whether it be foul or clean within the

'velum,' and in-regl-ian is literally en-vel-ope, in which sense I believe the word is here to be understood.—*T.*]

^d The accentuation of this word in the ms., coupled with the context, makes it probable that the true reading is *reće*. If not, we may perhaps read *reţce*, and translate it 'settle.' [The alteration to *reće* is plausible, but not necessary.—*T.*]

þār laze abŕeƿe. beo ꝥ ƿŕoðal on him ƿoðað. ⁊ Ʒilðe þan cýninge
·c.xx· ƿeall. to ƿite:.

ƿal-ƿear 1ƿ niðingef dæde: Ʒif hƿā ofracen ƿille. ðo ꝥ mið
eahƿta ⁊ ƿeoƿeƿeƿiƷ ƿulbōŕenŕa þeƷena:.

V.

*JUDICIA CIVITATIS LUNDONIÆ.

Ðiŕ 1ƿ ƿeo Ʒeƿæðniŕ þe þa biŕcopaŕ ⁊ þa Ʒeƿeƿan þe to
Lunden-býriƷ hýrað Ʒeƿeðen habbað. ⁊ mið ƿeððum Ʒe-
ƿæŕtnoð on uŕum ƿrið-ƷeƷýlbum. æƷðeŕ Ʒe eoŕliŕce Ʒe
ceoŕliŕce. to-eacan þam domum þe æt Lŕeātanleā ⁊ æt Exan-
ceafŕne ƷeƷeƿeƿe ƿæŕnon. ⁊ æt Ðunŕeŕ-ƿeðda:.

ÐÆT IS ÐONNE ÆRÆST.

* ꝥ he. 1. Ðæt man ne ƿƿaŕƷe ¹nānan þeoŕe ofeŕ ·xii· ƿæningaŕ.
⁊ ofeŕ ·xii· ƿintŕe mann. þone þe ƿē on ƿoƿc-ƿiht Ʒeāxian * ꝥ
ƿul ƿý. ⁊ to nānan andŕæce ne mæƷe. ꝥ ƿē hine ofŕlean. ⁊
nūman eall ꝥ he āƷe. ⁊ nūman æŕeŕc ꝥ ceap-Ʒýlb of þam ýŕŕe.
⁊ dæle man ƿýþþan þone ofeŕ-eācan on ·ii· ænne dæl þam
ƿiŕe. Ʒif heo clæne ƿý. ⁊ þæŕ ƿācneŕ Ʒeƿita næŕe. ⁊ ꝥ oðeŕ
on ·ii· to healfum ƿō ƿe cýnƷ. to healfum [ƿe] Ʒeƿeŕŕiŕe.^b
Lŕiŕ hit boc-land ƿý ofþe biŕceopa land. þonne ah ƿe land-
* l. pone. hlaŕoŕð * þonne healfan dæl ƿið þone Ʒeƿeŕŕiŕe Ʒemæne:.

ii. And ƿeþe þeoŕ deaŕniunƷa ƿeoŕniƷe. ⁊ þæŕ ƿacneŕ ⁊ þæŕ
ƿúleŕ Ʒeƿita ƿý. ðo him man ꝥ ilce:.

iii. And ƿeþe mið þeoŕe ƿtānde. ⁊ mið ƿeohte. leƷe hine
man mið þam þeoŕe:.

iv. And ƿeþe þýŕðe ofŕ æŕ ƿoŕƿoŕht ƿæŕe openlice. ⁊ to
ōŕðale Ʒā. ⁊ þaŕ ƿúl ƿeoŕðe. ꝥ hine man ƿlea. buton þa maƷaŕ
ofþe ƿe hlaŕoŕð hine ūt-nūman ƿillan be hiŕ ƿeŕe ⁊ be ƿullan
ceap-Ʒulðe. ⁊ eac hine on boŕh Ʒehabban ƿýþþan ꝥ he ælceŕ

¹ nanan þe *in the text*, but *people in*

^a [The text is from ms. *H.*—*T.*]

^b The ms. reads 'Ʒeƿeŕŕiŕe,' which, if the true reading, would support Wachter's conjecture that Ʒeƿeŕa (graf) is a mere transposition of Ʒeƿeŕa (socius). There can, however, be little doubt that

envelope. And he who shall break this law, be the ordeal with respect to him void, and let him pay to the king cxx. shillings as 'wite.'

'Wal-reaf' is a 'nithing's' deed: if any one desire to deny it, let him do so with eight and forty full-born thanes.

V.

* JUDICIA CIVITATIS LUNDONIÆ.

This is the ordinance which the bishops and the reeves belonging to London have ordained, and with 'weds' confirmed, among our 'frith-gegildas,' as well 'eorlish' as 'ceorlish,' in addition to the dooms which were fixed at 'Greetanlea' and at Exeter and at 'Thunresfeld.'

THIS IS THEN FIRST:-

1. That no thief be spared over xii. pence, and no person over xii. years, whom we learn according to folk-right that he is guilty, and can make no denial; that we slay him, and take all that he has; and first, take the 'ceap-gild' from the property; and after that let the surplus be divided into ii.; one part to the wife, if she be innocent, and were not privy to the crime; and the other into ii.; let the king take half, half the fellowship. If it be 'boc-land,' or bishops' land, then has the land-lord the half part in common with the fellowship.

2. And he who secretly harbours a thief, and is privy to the crime and to the guilt, to him let the like be done.

3. And he who stands with a thief, and fights with him, let him be slain with the thief.

4. And he who oft before has been convicted openly of theft, and shall go to the ordeal, and is there found guilty; that he be slain, unless the kindred or the lord be willing to release him by his 'wēr' and by the full 'ceap-gild,' and also

the margin, though by a later hand.

ζεπέφα springs from the same root with περᾶν (πέφαν), and that it *originally* meant 'spoliator, exactor,' the executor of the law. In the same manner scaccarium, the king's exchequer, is derived from 'sceacepe,' latro, spoliator, exactor.

* hi hine? ýreleſ ƒerſice. Líf he eft ofer þ þ ƿtalie. aƒıřan þa mǣƒaſ þonne hine ƿpa ƒerýlb ƿpa *hine ær út æt þam opdale namon þam ƒerefan þe þaſ-to ƒebýrige. ƿ ƿlea man hine on þa *þeor-ƿſáce. Líf hine þonne hƿa ƿorene ƿorſtande. ƿ hine ƒenuman ƿille. ƿ he ƿæpe ƿúl æt þam opdale. þ hine man leƒƒan ne moſte. þ he ƿæpe hıſ ƿeoreſ ƿcýlbıg. buton he cýnƒ ƒerohte. ƿ he him hıſ ƿeoreh ƿorƒıřan ƿolde. eall ƿpa hıt ær æt Lıneátanleá ƿ æt Exan-ceaſtpe ƿ æt Ðunpeſ-ſelba ƒe-creden ƿær.

* æt-hlıp? v. And ƿeþe þeor ƿſecan ƿille. ƿ *æ-hlıp ƒerýſce. oþþe on ƿtſæte to-ƒelıht. beo .c.xx. ƿcılft. ƿcılbiƒ ƿıð þone cıng. Líf he þonne man oferlea on þa ƿſace. beo hē hıſ ƿeoreſ ƿcýlbıg. ƿ ealler þær þe he áƒe. buton ƿe cıng him aſıan ƿille.

ODER.

Ðæt ƿe cƿædon. þ ƿne ælc ƿcute .iiii. ƿænƒ to ƿne ƒe-mæne þearfe bınnan .xii. monðum. ƿ ƿorƒýlbom þ ýſſe þe ƿýþþan ƒenumen ƿæpe þe ƿe þ ƿeoh ƿcuton. ƿ hæřdon ƿ ealle þa æſcean ƒemæne. ƿ ƿcute ælc man ^bhıſ ƿcılft. þe hæřde þ ýſſe þ ƿæpe .xxx. ƿæniƒ ƿýſđ. buton eaſmpe ƿúdepan þe nænne ^cƿor-ƿýhtan nærde ne nán lánd.

ÐRIDDAN.

Ðæt ƿe tellan á .x. menn toƒædepe. ƿ ƿe ƒıldeſta beƿıſte þa nıgene to ælcum þaſa ƒelaſte þaſa þe ƿe ealle ƒecƿædon.

^a This is obviously some instrument of punishment—perhaps the wheel; literally, ‘the rack.’ [Mr. Price’s version, upon which his note is founded, was: ‘and let him be slain on the thief ‘wrace.’ It seems, however, highly improbable, that the words ‘on þa ƿſáce’ should here mean ‘on the wheel or rack,’ and in the very next enactment (according to Mr. Price’s own translation) should signify ‘in revenge.’ Did ƿſáce mean an instrument of punishment, it is scarcely probable that the mention of it would occur but once throughout a long series of criminal laws, from Æthelbirht to Cnut. If the passage be not corrupt (and the lines immediately preceding it almost justify a doubt of its integrity), its literal meaning, no doubt, is, ‘in thief-vengeance.’ The use of the accusative case too is quite unfavourable to Mr. Price’s interpretation. Dr. Schmid’s translation agrees with my own, viz. ‘und man tödte ihn zur Strafe für den Diebstahl.’ The Latin has merely, ‘et occidatur.’—*T.*]

^b The Latin version reads ‘denarium suum,’ which seems sup-

have him in 'borh' that he thenceforth desist from every kind of evil. If after that he again steal, then let his kinsmen give him up to the reeve to whom it may appertain, in such custody as they before took him out of from the ordeal, and let him be slain ^ain retribution of the theft. But if any one defend him, and will take him, although he was convicted at the ordeal, so that he might not be slain; that he should be liable in his life, unless he should flee to the king, and he should give him his life; all as it was before ordained at 'Greatanlea' and at Exeter and at 'Thunresfeld.'

5. And whoever will avenge a thief, and commits an assault, or makes an attack on the highway; let him be liable in cxx. shillings to the king. But if he slay any one in his revenge, let him be liable in his life, and in all that he has, unless the king is willing to be merciful to him.

SECOND:

That we have ordained: that each of us should contribute iv. pence for our common use within xii. months, and pay for the property which should be taken after we had contributed the money; and that we all should have the search in common; and that every man should contribute ^bhis shilling who had property to the value of xxx. pence, except the poor widow who has no ^c'for-wyrhta' nor any land.

THIRD:

That we count always x. men together, and the chief should direct the nine in each of those duties which we have all

ported by the context; for a shilling, or five pence, would be a heavy contribution where the collective property amounted to 30*d.* only. It must be observed, however, that this penny does not appear to have been contributed for the general purposes of the society, but for defraying the expences attending the pursuit. (Conf. c. vii.) It is this passage which is usually cited to prove that the A. S. shilling in Æthelstan's time was worth only four pence. The context above would be sufficient to cast a doubt upon the position, more especially as it chiefly rests upon the uncertain authority of a sum expressed in numerals (iiii. pænig). However, in c. vi. 2., below, where our present text reads 'ȝ ȝceap to ȝciff.' the Latin versions have 'et ovis solido persolvatur—et ovis v. d' persolvatur.'

^c An agent of some kind. Perhaps the superintendant or bailiff of a widow when she had land. [Perhaps one who hires the land, a farmer; *O.H.G.* Vorwerk, *mod.* Vorwerk, a farm.—*T.*]

* ure
gemænan?

ƿ ƿýþþan þa hýndena heopa tóðæðere. ƿ ænne hýnden-man
þe þa .x. mýnige to ure ealne gemæne þearfe. ƿ hið .xi.
healdan þære hýndene feoh. ƿ ƿítan hƿæt hið ƿorðŕýllan
þonne man gýldan ƿceole. ƿ hƿæt hið eft nýman gýf ƿf feoh
arife æt * ƿrum gemænum ƿƿræce. ƿ ƿíton eac þ̅ ælc ðelær
ƿorðcume þara þe ƿe ealle ðecƿeden habbað to ure ealra þearfe
be .xxx. ƿæñ. oþþe be anum hŕýðere. þ̅ eall ðelær ƿý þ̅ ƿe
on ƿrum ðeræðnerŕum ðecƿeden habbað. ƿ on ure ƿore-ŕræce
ŕtænt:.

FEORÐE.

Ðæt ælc man ƿære oðrum ðelærŕfull. ðe æt ƿrore ðe æt
mið-ŕæðe. þara þe þa ðebodu ðehýrðe. ƿra lánge ƿra þe man
ƿroŕ ƿŕte. ƿ ƿýþþan. him ƿroŕ buŕte. þ̅ man ƿunde ænne
man þær ^amape ƿolc ƿŕð. ƿra of anre teoðunðe þær læŕre ƿolc
ŕý. to ŕæðe oþþe to ðange. buton mǣ þurfe. þider þonne mæŕt
þearf ƿý. ƿ hið ealle ðecƿædon:.

FIFTE.

Ðæt man ne ƿorlæte nāne æŕcan. naðer ne be ƿorðan
meapce ne be ƿuðan. ær ælc man hæbbe āne ŕæðe ðerýden. þe
hoŕŕ habbe. ƿ reþe hoŕŕ nabbe. ƿýŕce þam hlaŕorðe þe him
* ƿ. oþþ. ƿore ŕýðe oþþe ðānge * oþþ he ham cūme. buton man ær to
ŕihete cuman mæge:.

SYXTE.

* ƿ. ure. 1. Emban * ƿne ceap-gýld. hoŕŕ to healfan ƿunde gýf hið
ƿra ðoð ƿý. ƿ gýf hið ^bmætre ƿý. gýlde be hiŕ ƿlíteŕ ƿýrðe.
ƿ be þam þe ƿe man hið ƿeorðige þe hið aze. buton he ðerit-
nerŕe habbe þ̅ hið ƿra ðoð ƿære ƿra he ƿecge. ƿ hæbbe þoñ
ofer-eācan þe ƿe þar abýðan:.

^a The Latin version reads: 'qui bannus hoc audiant inveniatur
semper de duabus decimis unus homo ubi magis populus sit sic de
una decima ubi minus sit.' This seems to speak for an A. S. text,
something like 'ƿra of tƿam teoðunga þær mape ƿolc ƿŕð ƿra of anre
teoðunðe þær læŕre ƿolc ƿŕð.' But looking at the reason of the
thing, we might rather expect the text to have been 'ƿra of anre
teoðunðe þær mape ƿolc ƿŕð ƿra of tƿam teoðunga þær læŕre ƿolc
ƿŕð.' [After the words 'ænne man' the text is apparently defective.
—T.]

^b The translation follows the text, but the Latin version contains
a variation which appears to be the better reading: 'et si sit betre,

ordained; and [count] afterwards their 'hyndens' together, and one 'hynden'-man who shall admonish the x. for our common benefit; and let these xi. hold the money of the 'hynden,' and decide what they shall disburse when aught is to pay, and what they shall receive, if money should arise to us at our common suit; and let them also know that every contribution be forthcoming which we have all ordained for our common benefit, after the rate of xxx. pence or one ox; so that all be fulfilled which we have ordained in our ordinances, and which stands in our agreement.

FOURTH:

That every man of them who has heard the orders should be aidful to others, as well in tracing as in pursuit, so long as the track is known; and after the track has failed him, that one man be found where there is a large population, as well as from one tithing where a less population is, either to ride or to go (unless there be need of more,) thither when most need is, and as they all have ordained.

FIFTH:

That no search be abandoned, either to the north of the march or to the south, before every man who has a horse has ridden one riding; and that he who has not a horse work for the lord who rides or goes for him, until he come home; unless right shall have been previously obtained.

SIXTH:

1. Respecting our 'ceap-gild:' a horse at half a pound if it be so good; and if it be ^binferior, let it be paid for by the worth of its appearance, and * by that which the man values it at who owns it, unless he have evidence that it be as good as he says, and then let [us] have the surplus which we there require. * and not?

id est melior.' By adopting this reading, 'and 3if hit becepe 1ig,' and substituting 'næpe' (was not) for 'pæpe' in the clause 'pæt hit ƿpa 3ōð pæpe,' the difficulties of the present text will disappear. [I suspect that merely a negative is wanting, and that we should read ƿ ne be ƿam ƿe ƿe man, &c., 'and not by that,' &c. Indeed, both the sense and the structure of the sentence seem to require its insertion. And lower down I would propose to read, ƿ hæbbe ƿe ƿone ofep-eacan, 'and let us have,' &c. That the pronoun 'pe' is wanting is rendered probable not only by the Latin of Bromton, 'et habeamus nobis superplus,' but by the language of the law immediately following, viz., ƿ hæfðon uƿ ƿone ofep-eacan.—T.]

II. And oxan to ^amancure. ⁊ cū to .xx. ⁊ ƿrȳn to .x. ⁊ ƿceap to ƿcift.:

III. And ƿe cƿædon be urum þeopum mannum. ^bþa menn þa men hæƿdon. ƿiſ hine man ƿorȳtæle. þ̅ hine man ƿorȳgulde mið ^chealfan ƿunðe. ƿiſ ƿe þonne ^cȳlð aſæƿdon. þ̅ him man ȳhte uƿon on ^dþ̅ be hiſ ƿliteſ ƿeorðe. ⁊ hæƿdon uſ þone oſer-eācan þe ƿe þær abædon. Ȓiſ he hine þonne ƿorȳtalede. þ̅ hine man lædde to þære toſſunge. ƿƿa hiſ æſ ȳceƿæðan ƿær. ⁊ ƿcute ælc man þ̅ man hæƿde ƿƿa ƿæniȳ ƿƿa healfne be þær ȳeſeſcipeſ mænio. ƿƿa man þ̅ ƿeorð ūp-aſæƿan mihte. Ȓiſ he þonne oðſeoce. þ̅ hine man ƿorȳgulde be hiſ ƿliteſ ƿeorðe. ⁊ ƿe ealle hine āxodan. Ȓiſ ƿe him þonne tō-cuman moſton. þ̅ him man dȳðe þ̅ ȳlce þe man þam ƿȳliſcean þeoſe dȳðe. oþ̅e hine man anhō.:

IV. And þ̅ ceap-gilð aſiſe ā oſer .xxx. ƿænȳ oð healf ƿunð ȳȳþan ƿe hiſ æſcað. ƿunðor. ƿiſ ƿe þ̅ ceap-gilð aſæƿað be fullan anȳlðe. ⁊ beo ȳȳ æſce ƿorð. ƿƿa hiſ æſ ȳceƿeden ƿær. ^fþeah heo læſſe ȳȳ.:

SEOFODE.

Dæt ƿe cƿædon. dȳðe dæda ȳeþe dȳðe þ̅ ūne ealſa tēðnan ƿſæce. þ̅ ƿe ƿæron ealle ƿƿa on ānum ƿſeondȳcȳpe ƿƿa on ānum ƿeondȳcȳpe. ƿƿa hƿæðer hiſ þonne ƿære. ⁊ ȳeþe þeoſ ƿȳlle beſoran oðrum mannum. þ̅ he ƿære oſ ūne ealſa ƿeo .xii. ƿænȳ þe bēteſa ƿor þære dæda ⁊ þon anȳinne. ⁊ ȳeþe ahte þ̅ ȳſſe þe ƿe ƿore-gilðað. ne ƿorlæte he þa æſcan be uſe oſerhȳnneſſe. ⁊ þa mȳneȳūnge þar-mið. oþ̅æt ƿe to þam ȳilðe cuman. ⁊ ƿe þonne eac him hiſ ȳeſſinceſ ȳeþancedon oſ urum ȳemænum ƿeo be þæm þe ƿeo ƿare ƿurðe ƿære. þȳ læſ ƿeo mȳnuȳunȳ ƿorlæȳe.:

^a The value of the mancus was thirty pence.

^b [The repetition of þa men is, no doubt, a clerical error, and is subversive of the sense, and irreconcilable with the rules of grammar.—T.]

^c [That is the ceap-gild.—T.]

^d [That is, above the ceap-gild.—T.]

2. An ox at a ^a ‘mancus,’ and a cow at xx., and a swine at x., and a sheep at a shilling.

3. And we have ordained respecting our ‘theowmen,’ ^bwhom men might have; if any one should steal him, that he should be paid for with ^chalf a pound; but if we should raise the ‘gild,’ that it should be increased ^dabove that, by the worth of his appearance, and that we should have for ourselves the surplus that we there should require. But if he should have stolen himself away, that he should be led to the stoning, as it was formerly ordained; and that every man who had a man, should contribute either a penny or a halfpenny, according to the number of the fellowship, so that we might be able to raise the worth. But if he should make his escape, that he should be paid for by the worth of his appearance, and we all should make search for him. If we then should be able to come at him, that the same should be done to him that would be done to a ‘Wylisc’ thief, or that he be hanged.

4. And let the ‘ceap-gild’ always advance from xxx. pence to half a pound, after we make search; further, if we raise the ‘ceap-gild’ ^eto the full ‘angylde;’ and let the search still continue, as it was before ordained, ^fthough it be less.

SEVENTH:

That we have ordained: let do the deed whoever may that shall avenge the injuries of us all, that we should be all so in one friendship as in one foeship, whichever it then may be: and that he who should kill a thief before other men, that he be xii. pence the better for the deed, and for the enterprize, from our common money. And he who should own the property for which we pay, let him not forsake the search, on peril of our ‘oferhrynes,’ and the notice therewith, until we come to payment; and then also we would reward him for his labour, out of our common money, according to the worth of the journey, lest the giving notice should be neglected.

^e ‘Let it be paid for in a full angylde.’ *P.*

^f If this be the genuine reading, ‘heo’ must refer to ‘*reo ærce*,’ in which case the whole passage appears inexplicable. If, however, we substitute ‘*hīc*’ for ‘heo,’ and refer it to the ceap-gild, then there will be little difficulty in understanding the passage.

CAPTOÐE.

i. Ðæt pe ur zegaderuan ā emban ænne monað gif pe mǣgon ȝ æmtan habban. þa hýnden-menn ȝ þa þe þa teoðunȝe beþitan. ȝra mid ^abýt-ȝýllunȝe ȝra eller ȝra ur tō-anhāȝie. ȝ ȝitan hræt ure ȝecȝýðȝæddene ȝelæȝt ȝý. ȝ habban þa .xii. menn heora metȝcýpe tōȝædeȝe. ȝ þedan hiȝ ȝra ȝra hiȝ ȝýlȝe ȝýȝðe múnon. ȝ dælon ealle þa mete-laȝe Goder þancerȝ.

ii. And gif þonne þ̅ ȝebýȝe þ̅ æniȝ mæȝð to þan ȝȝianȝ ȝý ȝ to þam mýcel. innon lander oþþe uton lander. .xii. hýnde oþþe tȝý-hýnde. þ̅ ur ureȝ rihter ȝýȝnen. ȝ þoñ þeof ȝoran ȝoriȝtande. þ̅ pe ȝiðan be eallum tō mid þam ȝereȝan þe hit on hiȝ mōnunȝe ȝý.

iii. And eac ȝendan on tȝa healȝa to þam ȝereȝum. ȝ ȝilman tō heom ȝultum be ȝra manegum mannum ȝra ur þonne cīnelic þince æt ȝra mīceleȝe ȝȝæce. þ̅ þam ȝoriȝorhtum mannum beo þe maȝa ēȝe ȝor ure ȝeromnunȝe. ȝ pe ȝiðan ealle to. ȝ urne tēðnan ȝȝēcan. ȝ þoñ þeof leȝean. ȝ þa þe him mid ȝeohtan ȝ ȝtandan. buton hiȝ him ȝȝam ȝān ȝillan.

iv. And gif man ȝȝōȝ ȝerȝȝȝe of ȝcýȝe on oðȝe. ȝon þa menn tō þe þær niȝȝt ȝýndon. ȝ ðȝȝan þ̅ ȝȝōȝ oð hit man þam ȝereȝan ȝecýðe. ȝo hē ȝýþþan tō mid hiȝ monunȝe. ȝ aȝȝe þ̅ ȝȝōȝ ut of hiȝ ȝcīȝe ȝȝ he maȝe. ȝȝ he þonne ne mæȝe. ȝorȝýlðe þ̅ ýȝe angýlðe. ȝ habban þa ȝereȝȝcýȝaȝ beȝen þa ȝullan ȝȝæce ȝemæne. ȝi ȝra hrær ȝra hit ȝý. ȝra be noȝðan mearȝe ȝra be ȝuðan. ā of ȝcīȝe on oðȝe. þ̅ ælc ȝereȝa ȝýlȝte oðȝum to ure ealȝa ȝȝiðe be cýnȝer oȝer-hýȝneȝȝe.

v. And eac þ̅ ælc oðȝum ȝýlȝte. ȝra hit ȝecȝeden iȝ ȝ mid ȝeððum ȝeȝæȝtnoð. ȝ ȝȝilc mann ȝȝilce hit oȝer þa mearȝe ȝoriȝtete. beo .xxx. ȝæñ ȝcýlðȝ. oþþe aneȝ oðan. ȝȝ he aht þær oȝerhæbbe þe on urnum ȝerȝutum ȝtent. ȝ pe mid urnum ȝeððum ȝeȝæȝtnoð habbað.

vi. And pe cȝæðon eac be ælcum þaȝa manna þe on urnum ȝeȝýlðȝȝȝum hiȝ ȝeðð ȝeȝealð hæȝð. ȝȝ him ȝorð-ȝið ȝebýȝe. þ̅ ælc ȝeȝilða ȝeȝýlle ænne ȝeȝýȝelne hlāȝ ȝor þære ȝāule. ȝ ȝeȝunȝe ān ȝȝȝȝ oþþe beȝiȝte ȝeȝunȝen binnan .xxx. nihtan.

^a The Latin version reads, 'de bucellorum impletione,' or, literally,

EIGHTH :

1. That we gather to us once in every month, if we can and have leisure, the ‘hynden-men’ and those who direct the tithings, as well with ^a ‘bytt-fylling’ as else it may concern us, and know what of our agreement has been executed; and let these xii. men have their refection together, and feed themselves according as they may deem themselves worthy, and deal the remains of the meat for love of God.

2. And if it then should happen that any kin be so strong and so great, within land or without land, whether xii.-‘hynde or ‘twy-hynde,’ that they refuse us our right, and stand up in defence of a thief; that we all of us ride thereto with the reeve within whose ‘manung’ it may be.

3. And also send on both sides to the reeves, and desire from them aid of so many men as may seem to us adequate for so great a suit, that there may be the more fear in those culpable men for our assemblage, and that we all ride thereto, and avenge our wrong, and slay the thief, and those who fight and stand with him, unless they be willing to depart from him.

4. And if any one trace a track from one shire to another, let the men who there are next take to it, and pursue the track till it be made known to the reeve; let him then with his ‘manung’ take to it, and pursue the track out of his shire if he can; but if he cannot, let him pay the ‘angylde’ of the property: and let both reeveships have the full suit in common, be it wherever it may, as well to the north of the march as to the south, always from one shire to another; so that every reeve may assist another, for the common ‘frith’ of us all by the king’s ‘oferhyrnes.’

5. And also that every one shall help another, as it is ordained and by ‘weds’ confirmed; and such man as shall neglect this beyond the march, let him be liable in xxx. pence, or an ox, if he aught of this neglect which stands in our writings, and we with our ‘weds’ have confirmed.

6. And we have also ordained respecting every man who has given his ‘wed’ in our gildships, if he should die, that each gild-brother shall give a ‘gesufel’ loaf for his soul, and sing a fifty, or get it sung within xxx. days.

‘ the filling of butts;’ but this in no way illustrates the subject.

vii. And þe beodað eac urum ^ahire-mannum. ꝥ ælc man riȝe hræne he hī ȝrfe hæbbe. oþfe hræne he næbbe. on hī nehebura ȝeritneȝfe. ȝ uȝ rƿor tæce ȝrfe he hit rindan ne mæȝ binnon þum nihton. forþam þe ȝenað ꝥ mænige ȝimeleȝfe menn ne ȝeccean hū heora ȝrfe ȝape for þam ofertuan on þam ȝrife:.

* I. reo. viii. Donne beode þe ꝥ binnan .iii. nihtum he hī nehebura ȝecȝðe. ȝrfe he þæȝ ceap-ȝildeȝ biððan ȝille. ȝ beo * ȝe æȝce þeah forð. ȝra hit ær ȝecƿeden þæȝ. forþan þe nellen nān ȝȝmeleȝ ȝrfe forȝȝldan buton hit forȝtolen ȝȝ. Mænige men ȝƿecað ȝemāhlīce ȝrƿæce. ȝȝfe he nȝte rƿor to tæcenne. ȝecȝðe mid aðe mid hī .iii. nehebura ꝥ hit binnan .iii. nihtum þæȝe forȝtolen. ȝ biððe ȝȝþan hī ceap-ȝildeȝ:.

ix. And ne ȝȝ forȝƿecen ne forȝȝȝod. ȝrfe ure hlaforð oþfe ure ȝerƿana eniȝ ūȝ æniȝne eācan ȝeþæncean mæȝe to urum ȝrife-ȝildum. ꝥ þe þæȝtð lȝtlice ƿon. ȝra hit uȝ eallum ȝerȝe ȝ uȝ þearȝlic ȝȝ. Donne ȝelȝfe þe to Gode. ȝ to urum cȝne-hlaforðe. ȝrfe þe hit eall þuȝ ȝelæȝtan ȝillað. ꝥ eallȝ ƿolceȝ þiȝȝ bȝð þe bēteȝe æt þam þȝȝðum þonne hit ær þæȝe. ȝrfe þe þonne aȝlaciað þæȝ ȝrifeȝ ȝ þæȝ ȝeddeȝ þe þe ȝealð habbað. ȝ ȝe cȝȝ uȝ beboden haȝað. þonne maȝe þe ȝēnan. oþfe ȝeorne ȝitan. ꝥ þaȝ þeoȝaȝ ȝillað ȝȝȝian ȝȝta ȝrifeðon þonne hiȝ ær ðȝðon. Ac ūton healðan ure ȝedð ȝ ꝥ ȝrife ȝra hit urum hlaforðe liȝȝe. uȝ iȝ micel þearȝ ꝥ þe aȝēðian ꝥ he ȝile. ȝ ȝrfe he uȝ maȝe hæȝ ȝ tæcð. þe beoð eadmodlice ȝeapape:.

NILOÐE.

Ðæt þe cƿædon. be þȝum þeoȝum þe man on hræðinge ȝule ȝeȝȝian ne mæȝ. ȝ man eft ȝeȝað þe he ȝul bið ȝ ȝeildȝȝ. ꝥ ȝe hlaforð hine oþfe þa maȝaȝ on ꝥ ilce ȝeȝað ūt-niman þe man þa menn ūt-nimð þe æt oȝdale ȝule ȝeoȝað:.

TEOÐE.

Ðæt þa ȝitan ealle ȝealðan heora ȝedð ealle toȝædeȝe þam aȝcebiȝceope æt Ðunȝeȝ-ȝelða. þa Ælȝeah ðȝȝbb ȝ Bȝihtnoð * be þæȝ? Oððan ȝunu cōman to-ȝeanȝ þam ȝemote * þæȝ cingȝe ȝoȝde.

^a The original has been retained to avoid a paraphrastic version. It is clear from c. ii., that the term is a general

7. And we also command our ‘hire-men’ that each man shall know when he has his cattle, or when he has not, on his neighbours’ witness, and that he point out to us the track, if he cannot find it within three days; for we believe that many heedless men reck not how their cattle go, for over-confidence in the ‘frith.’

8. Then we command that within *iii.* days he make it known to his neighbours, if he will ask for the ‘ceap-gild;’ and let the search nevertheless go on as it was before ordained, for we will not pay for any unguarded property, unless it be stolen. Many men speak fraudulent speech. If he cannot point out to us the track, let him shew on oath with *iii.* of his neighbours that it has been stolen within *iii.* days, and after that let him ask for his ‘ceap-gild.’

9. And let it not be denied nor concealed, if our lord or any of our reeves should suggest to us any addition to our ‘frith-gilds,’ that we will joyfully accept the same, as it becomes us all, and may be advantageous to us. But let us trust in God, and our kingly lord, if we fulfil all things thus, that the affairs of all folk will be better with respect to theft than they before were. If, however, we slacken in the ‘frith’ and the ‘wed’ which we have given, and the king has commanded of us, then may we expect, or well know, that these thieves will prevail yet more than they did before. But let us keep our ‘weds’ and the ‘frith’ as is pleasing to our lord: it greatly behoves us that we devise that which he wills; and if he order and instruct us more, we shall be humbly ready.

NINTH:

That we have ordained: respecting those thieves whom one cannot immediately discover to be guilty, and one afterwards learns that they are guilty and liable; that the lord or the kinsmen should release him in the same manner as those men are released who are found guilty at the ordeal.

TENTH:

That all the ‘witan’ gave their ‘weds’ all together to the archbishop at ‘Thunresfeld,’ when Ælfeah Stybb and Brihtnoth Odda’s son came to meet the ‘gemōt’ by the king’s com-

þ ælc gerefa nāme þ þedd on hƿ aƷenre ƿcƿne. þ hƿ ealle
þ ƿƿð ƿƿa healðan ƿolðan ƿƿa Æðelƿtan cýnƷ hit Ʒeƿæð hæƿð
Ʒ hƿ ƿƿtan ^aæƿeart æt Græatanleā. Ʒ eft æt Exan-ceartre.
Ʒ ƿýþþam æt Fæƿer-ham. Ʒ ƿeorðan ƿýððe æt Ðunƿer-ƿelða.
beƿoran þam aƿcebiƿcope. Ʒ eallum þam biƿceoran. Ʒ hƿ
ƿitum. þe re cýnƷ ƿilf namode. þe þær-on ƿæron. þ man þaƿ
ðomaƿ healðan ƿceolðan þe on þƿƿum Ʒemote Ʒeƿette ƿæron.
buton þam þe þær ær of-aððne ƿæron. þ ƿæƿ Ðunnan-dæƷer
cýƿinƷ. Ʒ þ man mið ƿulne Ʒeƿitneƿƿe Ʒ ætƿeðƿne moƿte
ceapian butan ƿoƿte:.

ENDLYFTE.

Ðæt Æðelƿtan beðt hƿ biƿceopum. Ʒ hƿ ealðoƿmannum.
Ʒ hƿ Ʒeƿeƿum eallum oƿer ealne minne ānƿealb. þ Ʒe þone
ƿƿð ƿƿa healðan ƿƿa ic hine Ʒeƿæðð hæbbe Ʒ mine ƿƿtan. Gr
eoper hƿilc ƿoƿƷýmeleaƿað. Ʒ me hýƿan nelle. Ʒ þ þedd æt
hƿ hýne-mannum niman nelle. Ʒ he Ʒeƿaƿað þa dýƿnan Ʒe-
þinƷo. Ʒ emban þa ƿteðƿan ƿƿa beon nelle ƿƿa ic beboden
hæbbe. Ʒ on uƿum Ʒeƿƿitum ƿtent. þonne beo re Ʒeƿeƿa buton
hƿ ƿolƷoðe. Ʒ buton minum ƿƿeondƿcƿne. Ʒ Ʒeƿýlle me. .c.xx.
ƿctt. Ʒ be healƿum þam ælc minƿa þeƷna þe Ʒelandðoð ƿý. Ʒ
þa ƿteðƿne ƿƿa healðan nelle ƿƿa ic beboden habbe:.

TƿELFTE.

1. Ðæt re cýnƷ cƿæð nú eft æt ^bƿitlan-hýƿuƷ to hƿ ƿƿtan.
Ʒ het cýðan þam aƿceþ be ^cÐeodƿede biƿcop. þ him to
hƿeoplic þuhte þ man ƿƿa Ʒeongne man cƿealðe. oþþe eft ƿoƿ
ƿƿa lýtlan. ƿƿa he Ʒeāxod hæƿðe þe man Ʒehƿær dýðe. Græð
þa þ him þuhte. Ʒ þam þe he hit ƿið-ƿæððe. þ man nænne
ƷinƷƿan mann ne ƿloƷe þonne .xv. ƿintre man. buton he hine
ƿeƿian ƿolðe oþþe ƿleoge Ʒ on hand Ʒān nolðe. þ hine man
þonne leðe. ƿƿa æt maƿan ƿƿa æt læƿƿan. ƿƿa hƿæðer hit
þonne ƿære. And Ʒiƿ he þonne on hand Ʒān ƿille. þonne ðoð
hine man on cāƿceƿn. ƿƿa hit æt Græatanleā Ʒecƿeden ƿær.
Ʒ hine be þam ýlcan lýƿƿe:.

^a [Mr. Price here, following the ms. which reads æƿ. eart, had translated 'had before counselled it east at Greatanlea.' That æƿeƿ is the true reading is manifest from the context: besides, the term

mand; that each reeve should take the 'wed' in his own shire: that they would all hold the 'frith' as king Æthelstan and his 'witan' had counselled it, first at 'Greatanlea,' and again at Exeter, and afterwards at Feversham, and a fourth time at 'Thunresfeld,' before the archbishop, and all the bishops, and his 'witan,' whom the king himself named, who were thereat: that those dooms should be observed which were fixed at this 'gemōt,' except those which were there before done away with; which was Sunday marketing, and that with full and true witness any one might buy out of port.

ELEVENTH:

That Æthelstan commands his bishops and his 'ealdormen,' and all his reeves over all my realm, that ye so hold the 'frith' as I and my 'witan' have ordained. And if any of you neglect it, and will not obey me, and will not take the 'wed' of his 'hiremen,' and he allow of secret compositions, and will not attend to these regulations as I have commanded and it stands in our writs; then be the reeve without his 'folgoth,' and without my friendship, and pay me cxx. shillings; and each of my thanes who has land, and will not keep the regulations as I have commanded, [let him pay] half that.

TWELFTH:

1. That the king now again has ordained to his 'witan' at ^b'Witlanburh,' and has commanded it to be made known to the archbishop by bishop 'Theodred, that it seemed to him too cruel that so young a man should be killed, and besides for so little, as he has learned has somewhere been done. He then said, that it seemed to him, and to those who counselled with him, that no younger person should be slain than xv. years, except he should make resistance or flee, and would not surrender himself; that then he should be slain, as well for more as for less, whichever it might be. But if he be willing to surrender himself, let him be put into prison, as it was ordained at 'Greatanlea,' and by the same let him be redeemed.

east cannot be applied to a place lying from London in the direction of Andover.—*T.*]

^b Whittlebury, Northamptonshire?

^c [Bishop of London A.D. 900 until about 921.—*T.*]

II. Oþþe. Ʒif he in cāriceſun ne cume. Ʒ man nān næbbe. ꝥ hi hine niman be hiſ fullan ƿeſe on boſh ꝥ he ærſe ma ælceſ Ʒfeleſ Ʒeſſice. Līf ſeo mæƷð him ūt-niman nelle. ne him on boſh Ʒān. þonne ſſeſe he ſſa him biſceop tæce ꝥ he ælceſ Ʒfeleſ Ʒeſſŷcan ſille. Ʒ ſtande on þeðſete be hiſ ƿeſe. Līf he þonne oſeſ ꝥ ſtalie. ſlea man hine. oþþe hō. ſſa man

* þā ?

III. And ſe cŷnƷ cƿæð eac. ꝥ man nænne ne ſlōƷe ſoſ læſſan Ʒſſe þonne .xii. ƿæniƷ ƿeoſð buton he ſleon ſille oþþe hine ƿeſan. ꝥ man ne ƿāndode þonne. þeah hit læſſe ƿæſe. Līf ƿe hit ſuſ Ʒehealðað. þonne Ʒelŷſe ic to Gode ꝥ ure ſſið bið beteſa þonne hit æſoſ ƿæſ.

2. Or, if he come not into prison, and they have none, that they take him in 'borh' by his full 'wēr,' that he will evermore desist from every kind of evil. If the kindred will not take him out, nor enter into 'borh' for him, then let him swear as the bishop may instruct him, that he will desist from every kind of evil, and stand in servitude by his 'wēr.' But if he after that again steal, let him be slain or hanged, as was before done to the older ones.

3. And the king has also ordained, that no one should be slain for less property than XII. pence worth, unless he will flee or defend himself; and that then no one should hesitate, though it were for less. If we it thus hold, then trust I in God that our 'frith' will be better than it has before been.

ƿADƿUNDES DOƿAS.^a

ECCLESIASTICAL.

¹ƿADƿUNDES LYNINGES ƿSETNYSSE.²

ƿadmund ³cýning Ʒeromnode ⁴mýcelne Ʒinoð to ⁵Lunden-
⁶býrig. on þa halƷan ⁷ƿarƿelicon tīd. ⁸æƷðer Ʒe Ʒoðcunðra
⁹hāða Ʒe ¹⁰ƿoruld-cunðra. Ðær ¹¹ƿær ¹²Oða arcebiſceop. Ʒ
ƿulfrtan arcebiſceop. Ʒ ¹³manige oðre ¹⁴biſceopar. ƷmeaƷenðe
¹⁵ýmbe heora ¹⁶Ʒapla ¹⁷āpæð. Ʒ ¹⁸þara þe him underþeodde
ƿæron:.

BE LEƿADED[R]A ƿANNA LLÆNNISSE.

I. Ðæt iſ æper¹⁹. þ þa halƷan hadar. þe Goder Ʒolc
²⁰læran Ʒcýlan²¹ hƿer ²²býrne. þ ²³hi heora clænnerƷe ²⁴heal-
ðan be²⁵ heora hade. Ʒpa ƿer-hader Ʒpa ƿir-hader. Ʒpa ²⁵hƿæðer
Ʒpa²⁶ hit Ʒý. ²⁶Liſ hý²⁷ Ʒpa ne ðon. þonne Ʒýn ²⁷hý þær Ʒýrðe
þe on þam canone ²⁸cƿæð. þ iſ. þ hi þolian ²⁹ƿorolð-æhta Ʒ
ƷehaƷoðre leƷer-Ʒtope ³⁰buton ³¹hý Ʒebetan:.

BE TEODUNLEUM AND LIRIL-SEATTUM.

II. Teoðunge ƿe bebeoðað ælcum cƿiſtenum men be hiſ
³²cƿiſtenðome. Ʒ ³³cýrig-Ʒceat. Ʒ ³⁴Rom-ƿeoh. Ʒ Ʒulh-æl-
meſſan. And Ʒiſ hit ³⁵hƿā ðon nelle. Ʒý he ³⁶amanſumod:.

¹ no rubrics in *B. D.* ² þer onginneð ƿadmunðer Ʒepæðner. *D.*
³ cýngc Ʒeromnode *D.* ⁴ mýcelne *H.* ⁵ Lunbe- *B.* ⁶ biſrig *D.*
⁷ ƿarƿelican *D.* ⁸ æƷðer *B.* ⁹ *D.* ¹⁰ ƿorlðcunðra *D.* ƿorlð-
cunðra *H.* ¹¹ hƿer *H.* ¹² *D.* ¹³ mænige *B.* manega *D.* ¹⁴ biſ-
ceopar *D.* ¹⁵ ýmbeon *D.* Ʒeopne ýmbe *H.* ¹⁶ Ʒaula *B.* ¹⁷ āpæð *B.*
pæð *D.* ¹⁸ þara *H.* ¹⁹ þ hi buton *D.* add. ²⁰ læpon Ʒculon *D.*

^a [Edmund, the brother of Æthelstan, began to reign in the year 940, and was assassinated in 946. Odo was archbishop of Canterbury from the year 934 to 958. Wulfstan was archbishop of York

THE LAWS OF KING EDMUND.*

ECCLESIASTICAL.

KING EDMUND'S INSTITUTES.

King Edmund assembled a great synod at London, during the holy Easter tide, as well of ecclesiastical as of secular degree. There was Oda archbishop, and Wulfstan archbishop, and many other bishops, meditating concerning the condition of their souls, and of those who were subject to them.

OF THE CHASTITY OF ECCLESIASTICS.

1. This is the first: that those holy orders who have to teach God's people by their life's example, hold their chastity according to their degree, as well of man's degree as of woman's degree, whichsoever it may be. If they do not so, then are they worthy of that which in the canon is ordained; that is, that they forfeit their worldly possessions and a consecrated burial-place, unless they make 'bōt.'

OF TITHES AND CHURCH-SCOTS.

2. A tithe we enjoin to every Christian man by his Christendom, and church-scot, and 'Rome-feoh,' and plough-alms. And if any one will not so do, let him be excommunicated.

²¹ lȳfer *H.* ²² bȳrne *D.* ²³ hȳ *B.* ²⁴ heolbon ærfeþ be *B.*
²⁵ ȝpæðen *B.* ²⁶ hpæðen *H.* ²⁶ ʰAnð ȝif hī *D.* ²⁷ hī *D.* ²⁸ cpeð
ȝ þæt hī *D.* ²⁹ ȝoplb *D.* ³⁰ buto *B.* ³¹ hī *D.* ³² ʰ*D.*
³³ cȳric- *D.* ³⁴ cȳric-ȝeat ȝ ælmeȝ-feoh *B.H.* ³⁵ ʰ*D.* ³⁶ aman-
ȝomob *B.*

from the year 929 to 952, when he was deprived, and in 954 obtained the see of Dorchester: he died in 956.—The text is from a collation of mss. *B.*, *D.*, and *H.*—*T.*]

BE MĀN-SLIPTĒ.

iii. ¹Liſ hpa cniſteneſ manneſ bloð aȝeote. ²ne cume he na on ³þæſ ⁴cýningeſ ⁵neapſte ær he on dæð-bote ȝa. ȝpa biſcop him tæce. ȝ hiſ ȝcniſt him ⁶þiſige:.

BE NUNNA ðEMEDE AND FORLIERE.

iv. Seþe ⁷mið nunnan hæme. ȝehalgodre leȝer-ȝtope ne ȝý he ȝýnðe. ⁸buton he ȝebete. þe ma þe ⁹man-ȝlaȝa. þ ¹⁰ýlce þe ¹¹cpædon be æp-¹²hſiȝe:.

BE LIRILENĀ LEBETUNGE.

v. Eac þe ¹³ȝecpædon. þ ælc ¹⁴biſcop bête' Godre huſ on hiſ ¹⁵aȝnum. ȝ eac þone ¹⁶cýning ¹⁷mýnȝiȝe þ ealle Godre ¹⁸cýncan ȝýn þel ¹⁹behroſſene. ȝpa uſ ²⁰micel þearf ²¹ſ:.

BE MĀN-SÞORUÐ AND LIBLÆUÐ.

vi. Ða þe ²²mān-ȝpeſiað ȝ ²³lýblac ȝýncað. ²⁴ȝýn ²⁵hi ā' ȝram ælcum Godre dæle aroſſene. ²⁶buton ²⁷hý to rihtre dæð-bote ²⁸ȝecýſſan²⁹:.

SECULAR.

Eadmund cýning cýþ eallum folce. ȝe ýlðrum ȝe ȝingſum. þe on hiſ anpealde ³⁰ȝýnð. þ ic ȝmeade mið minna ȝitena ȝeþeahhte. ȝe ³¹hadeðra ȝe læpeðra. Æreſt. hu ic mæhte cniſtendomeſ ³²mæſt aſæpan. Ðonne þuhte uſ æreſt mæſt þearf þe pe ure ȝeſiſumneſſe ȝ ȝeþpærneſſe fæſtlicorſt uſ betpeonan healðan ȝýnð ealne minne anpealð. Ðe ³³eȝleð ȝſýðe. ȝ uſ eallum. þa unrihtlican ȝ mænȝfealðan ȝeſeoht þe betpux uſ ȝýlſum ³⁴ȝýnðan. þonne cpæde þe.

¹ Liſ *B.* ² ne cume he na on þæſ cýniȝeſ neapæſte ȝý he cýniȝeſ man ȝý *B.* ³ þaſ *H.* ⁴ cýniȝeſ *B.* ⁵ neapæſte *B.* anſýne *H.* ⁶ þiſiȝe *H.* ⁷ rið *H.* ⁸ bute *B.H.* ⁹ *H.* ¹⁰ ilce *B.* hýlce *H.* ¹¹ cpæðan *B.* ¹² -hſiȝe *D.* ¹³ cpædon *B.* ¹⁴ biſceop *D.* ¹⁵ aȝenum *D.* ¹⁶ cýniȝeſ *D.* ¹⁷ mýnðȝiȝe *B.* minȝiȝe *D.* ¹⁸ cniſcan *D.* ¹⁹ behroſſene *B.* behpeoſſene *H.* ²⁰ miccel *H.* ²¹ hiſ *B.*

OF HOMICIDE.

3. If any one shed a Christian man's blood, let him not come into the king's presence, ere he go to penance, as the bishop may teach him, and his confessor direct him.

OF NUNS' FORNICATION AND OF ADULTERY.

4. He who commits fornication with a nun, let him not be worthy of a consecrated burial-place (unless he make 'bōt'), any more than a man-slayer. We have ordained the same respecting adultery.

OF THE REPAIRING OF CHURCHES.

5. We have also ordained: that every bishop repair the houses of God in his own [district], and also remind the king that all God's churches be well conditioned as is very needful for us.

OF PERJURERS AND 'LYBLACS.'

6. Those who swear falsely and work 'lyblac,' let them be for ever cast out from all communion with God, unless they turn to right repentance.

SECULAR.

Edmund king makes known to all people, both old and young, that are in his dominion, that which I have deliberated with the council of my 'witan,' both ecclesiastic and secular. First, how I might most promote Christianity. Then seemed it to us, first, most needful that we should most firmly preserve our peacefulness and harmony among ourselves, throughout all my dominion. To me and to us all are exceedingly offensive the unrighteous and manifold fightings that are among ourselves: we have therefore ordained:

22 ˘ B. 23 liblac D. 24 beon D. 25 ˘ hý ˘ H. 26 bute B.
 buten H. 27 hi D. 28 ȝecıppan ȝe ȝeopnop D. 29 ˘ hep ȝebıpað
 nu to Eabȝapeȝ ȝepæbneȝ be ȝehabobna manna lıȝ-ȝabunȝe. D. and
 which immediately follows. 30 ȝın B. 31 ȝobna B. 32 mıȝt B.
 33 eleð H. 34 ȝınðū B.

BE MĀN-SLIPTE.

i. Līf hpa ¹heonan-ƿorð ænigne man ofrlea. ꝥ he ƿege
 ƿylf þa ²ƿæhðe. butan he hý mid ƿreonða ƿylfte binnan tƿelf
 monðum ƿorðgýlde be fullan ƿepe. ƿý ƿpa boƿen ƿpa he ƿý.
²Līf hine þonne ƿeo mægð ƿorlæte. ⁊ him ƿone-gýlðan nellen.
 þonne ƿille ic ꝥ ³eall ƿeo mægð ƿý ⁴unƿah. butan þam ⁴hand-
 ðæðan. ƿif hý him ƿýþþan ne ðoð mete ne munde. Līf þonne
 ƿýþþan hƿile hƿ maga hine ⁵ƿeorƿmige. þonne beo he ƿcýlðig
 ealles þæf þe he aƿe ƿið þone cýning. ⁊ ƿege þa ƿæhðe ƿið þa
 mægðe. ƿorþam hī hine ƿorƿocan ær. ⁶Līf þonne of þære
 oðre mægðe hpa ƿræce ðo on ænigum oðrum men butan on
 þam ƿiht hand-ðæðan. ⁷ƿý he ƿeƿah ƿið þone cýning. ⁊ ƿið
 ealle hƿ ƿrýnd. ⁊ ⁸þolige ealles þæf ⁹þe he aƿe:

BE ÐON ÐE MŌN OÐERNE ON LIRILEAN LESELE OÐÐE
ON LYNINLES BURÐ.

ii. Līf hpa ¹⁰cýpcan ƿeƿece. ofþe mine burh. ⁊ hine man
 þær ƿece ofþe ¹¹ýrhlige. þa þe ꝥ ¹²ðeð ƿýn þær ¹³ýlcan ƿcýlðige
 þe hit heƿ beƿoran ¹⁴cƿæð:

BE FYÐT-ƿITE AND MĀN-BOTE.

iii. And ic nelle ꝥ ænig ƿýhte-ƿite ofþe man-bote ƿor-
 ƿfen ƿý:

BE BLOD-LEOTE.

iv. Eac ic cýþe ꝥ ic nelle ƿocne habban to minum hƿeðe
¹⁵[þone þe mannes blod-geate] ær he hæbbe ¹⁶ƿoðcunde bote
 underƿangen. ⁊ ¹⁷þa mægðe ƿebet on bote beƿangen. ⁊

¹ heonan- *B.* ² Līf *B.* ³ eal *B.* ⁴ handbæðan *B.* ⁵ ƿeorƿmie *B.*
⁶ Līf hpa þonne on *B.* ⁷ ƿi *B.* ⁸ þolie *B.* ⁹ not in *H.* ¹⁰ cýpcan

^a The Decretio Childeberti, circa an. 595, c. 5. contains a similar decree respecting homicide, and is, moreover, the first legislative provision on record invading the ancient law of the 'ƿæhðe':—'De homicidiis vero ita iussimus observari, ut quicumque ausu temerario alium sine causa occiderit, vitæ periculo feriat, et nullo pretio redemptionis se redimat aut componat. Et si forsitan conveniret ut ad solutionem quisque descendat, nullus de parentibus aut de amicis ei quicquam adjuvet; nisi qui præsumpserit ei aliquid adjuvare suum widrigildum omnino componat; quia justum est, ut qui injuste novit occidere, discat juste moriri.'

OF HOMICIDE.

1. If any one henceforth slay any man, that he himself bear the ^a‘fæhthe;’ unless, with the aid of his friends, and within twelve months, he compensate it with the full ‘wēr,’ be he born as he may be. But if the kindred forsake him, and will not pay for him, then I will that all the kindred be ^b‘unfah,’ except the perpetrator; if afterwards they do not give him either food or ‘mund.’ But if afterwards any one of his kindred harbour him, then be he liable in all that he possesses to the king, and bear the ‘fæhthe’ with the kindred, because they had previously forsaken him. But if any one of the other kindred take vengeance upon any other man, except on the real perpetrator, let him be foe to the king and to all his friends, and forfeit all that he owns.

IF A MAN SEEK ANOTHER IN A CHURCH, OR IN A KING’S ‘BURH.’

2. If any one take refuge in a church, or my ‘burh,’ and one there seek him, or do him evil: be those who do that liable in the same that is heretofore ordained.

OF FIGHT-‘WITE’ AND ‘MAN-BŌT.’

3. And I will not that any fight-‘wite’ or ‘man-bōt’ be forgiven.

OF BLOOD-SHEDDING.

4. Also I make known that I will not have to ‘socn’ in my household that man who sheds man’s blood, before he has undertaken ecclesiastical ‘bōt,’ and ^cmade ‘bōt’ to the kindred,

B. ¹¹ *ȝplȝge H.* ¹² *ðon B.* ¹³ *ȝlcon B.* ¹⁴ *cepeð B.* ¹⁵ *not in H.*
¹⁶ *ȝecunde B.* ¹⁷ *þam ægðe B.* *þæm ægðep H.*

^b Literally ‘unfoe,’ or freed from the hostility incidental to them as kinsmen of the offender. It occurs in the *Asega-Buch*, vi. § 9, where Mr. Wiarda has altogether failed in supplying the meaning:—‘Falt ther en mon twene ieftha thre, min ieftha mar, so [hiāra] ther is, sã skilun hiara alra lif opa thes ena hals stonda, and otheres alle sine friond unfach beliuu.—If a man slay two or three, less or more, as they may be, the life of them all shall rest upon the neck of this one, and all the rest of his friends be *unfoe*.’

^c The variation in *ms. B.* is ‘*ȝið þam ægðe*.’ This seems to indicate that the true reading has been ‘*ȝið þa mægðe*,’ and perhaps the

to ælcum rihte gebogen. swa biſcop him tæce þe hit on his
ſcýne gý:

DÆNEUNGE DÆM ÐE ÞIÐ ÐYFÐE FYLSTAÐ.

v. Eac ic ¹þancige Gode. ⁊ eop eallum þe me ²pel fylſton.
⁊ þær' friðes þe we nu habbað æt þam þýfðum. þonne gelyfe
ic to eop þ̅ ge willan fylſtan to ³þýrrom swa ⁴micle bet swa ur
is eallum mare ⁵þearf þ̅ hit gehealden ⁶gý:

BE MUND-BRYCE AND *ÞAM-SOLNE.

vi. Eac we cwædon be ⁷mund-bryce ⁊ be ham-rocnum. se þe
hit ofer þis ⁸ðo. þ̅ he ⁹þolige ealles þær ¹⁰þe he age. ⁊ si
on ¹¹cýninges dome hwæðes he his age:

BE FLEÐDE.

vii. Þitan ¹²ſcýlon fæhðe ſettan. æfter. æfter ¹³folc-
rihte ſlaga' ſceal his ¹⁴for-ſpecan on hand gýllan. ⁊ we
for-ſpeca maðum. þ̅ we ſlaga ¹⁵pille betan wið mægðe. þonne
gýþþan gebýreð þ̅ man gýlle þær ſlagan for-ſpecan on hand.
þ̅ we ſlaga mote wið gýrðe nýr ⁊ gýlf þærſes ſedðian. Ðonne
he þær beſedðod hæbbe. þonne ſinde he þærto ¹⁶þær-boþh.
þonne þ̅ gedon gý. þonne þærſe ¹⁷man cýninges munde. of
þam dæge on .xxi. ¹⁸niht gýlde man healſ-ſang. þær on .xxi.
niht man-bote. þær on .xxi. ¹⁹niht þær ſeſes þ̅ ſum-gýlb:

¹ þancige *B.* ² me fylſton þær *B.* ³ þýrrom *B.* ⁴ micle *B.* ⁵ þærſ
H. ⁶ si *B.* ⁷ mund-bryce *B.* ⁸ ðo *H.* ⁹ þolige *B.* ¹⁰ not in *H.*

whole clause may have been 'wið þa mægðe on bote beſanzen gý:
engaged in a bote to the kindred.' If so, 'gebet' may be considered
as a marginal illustration of 'on bote beſanzen,' and which has now
found its way into the text. The reading of either ms. is quite
unintelligible; the Latin version omits the clause altogether. [I
have not scrupled to admit into the text the reading afforded by *B.*
'On bote beſanzen' has possibly been meant as a marginal gloss to
'gebet.'—*T.*]

^a This offence is thus defined in the Custumal of Henry I. c. 80:

* * * * and submitted to every law, as the bishop shall teach him in whose shire it may be.

THANKS TO THOSE WHO ASSIST AGAINST THEFT.

5. Also I thank God, and you all who have well assisted me, and for the 'frith' which we now have with regard to theft: then I trust to you that ye will assist in this so much the better as there is the greater need for us all that it be observed.

OF 'MUND-BRICE' AND 'HAM-SOCN.'

6. Also we have ordained, respecting 'mund-brice' and 'ham-socns;' that he who shall do it after this forfeit all that he owns, and be it in the king's doom whether he shall have his life.

OF 'FÆHTHE.'

7. The 'witan' shall appease 'fæhthe.' First, according to 'folk-right,' the slayer shall give pledge to his ^b 'forespeca,' and the 'forespeca' to the kinsmen, that the slayer will make 'bōt' to the kin. Then after that it is requisite, that security be given to the slayer's 'forespeca,' that the slayer may, in peace, near, and himself give 'wed' for the 'wēr.' When he has given 'wed' for this, then let him find thereto a 'wēr-borh:' when that is done, let the king's 'mund' be levied: within *xxi.* days from that day, let the 'hals-fang' be paid: *xxi.* days from that, the 'man-bōt:' *xxi.* days from that, the 'frum-geld' of the 'wēr.'

¹¹ cýniger *B.* ¹² jcyłan *H.* ¹³ polceꝝ nuhtceꝝ laza *B.H.* ¹⁴ pýlle *H.*
¹⁵ pone *B.* ¹⁶ pæpe-borh *B.* ¹⁷ mon *B.* ¹⁸ nið *B.*

—'Hamsocna est (vel Hamfare) si quis præmeditate ad domum eat ubi suum hostem esse scit, et ibi eum invadat. Si die vel nocte hoc faciat, et qui aliquem in molendinum vel ovile fugientem prosequitur, Hamsocna judicatur. Si in curia vel domo seditione orta bellum etiam subsequatur, et quivis alium fugientem in aliam domum infuget, si ibi duo tecta sunt, Hamsocna reputetur.'

^b The Anglo-Saxon 'fopeꝛpeca' or 'fopeꝛpneca' is the Contour of the Norman law-books; the Advocatus rather than the Attornatus (ροπρýητα) of the Latin documents.

^a CONCILIUM CULINTONENSE.

Hæc est institutio quam Edmundus Rex, et Episcopi sui, cum Sapientibus suis, instituerunt apud Culintonam, de pace et juramento faciendo.

¹ DE SACRAMENTO FIDELITATIS REGI EDMUNDO FACIENDO./

I. In primis ut omnes jurent in nomine Domini, pro quo sanctum illud sanctum est, fidelitatem Edmundo Regi sicut homo debet esse fidelis domino suo, sine omni controversia et ²seditione, in manifesto, in occulto, ³in amando quod amabit, nolendo quod nolet; ⁴et antequam juramentum hoc dabitur ut nemo concelet hoc in fratre vel proximo suo plusquam in extraneo.

⁵ DE FURIBUS CAPIENDIS./

II. Vult ⁶eciam, ut ubi fur pro certo cognoscetur, twelfhindi et twifhindi consocientur, et exuperent eum vivum vel mortuum, alterutrum quod poterunt; et qui aliquem eorum infadiabit qui in ea quæstione fuerint, sit inimicus regis et omnium amicorum eorum; et si quis adire negaverit et coadjuvare nolit, emendet regi cxx. s. vel secundum hoc perneget quod nescivit, et ⁷hundredo xxx. s.

⁸ DE ILLO' QUI ALTERIUS HOMINEM RECEPERIT, VEL AD DAMPNUM ALIQUEM MANUTENUERIT.

III. Et nolo ut aliquis recipiat alterius hominem priusquam quietus sit erga omnem manum quæ rectum quærat ab eo: et qui aliquem manutenebit et firmabit ad dampnum faciendum, custodiat ut repræsentet eum ad emendandum, vel ipse componat quod alius componere ⁹debeat.

¹/ De juratione quæ fiebat E. R. ²seductione ³et *add.* ⁴*not in M.* ⁵/ De fure. ⁶et ⁷hundredo ⁸/*not in M.* ⁹debebat.

^a [The text is from Bromton; the variations are from the Macro ms.—*T*.]

DE SERVO FURE.

iv. Et ¹de servis ²si qui' furentur, senior ex eis capiatur et occidatur, vel suspendatur, et aliorum singuli verberentur ter, et ³extorpentur, et truncetur minimus digitus in signum.

⁴DE ILLIS QUI EMUNT IGNOTA PECORA SINE TESTIMONIO.'

v. Et nemo barganniet vel ignotum pecus recipiat, qui non habeat testimonium summi præpositi, vel sacerdotis, vel ordalii, vel portireve.

DE ⁵PECORE FURATO INVESTIGANDO.'

vi. Et dictum est de ⁶investigatione et quæstione pecoris furati, ut ad villam pervestigetur, et non sit foristeallum aliquod illi vel aliqua prohibitio itineris vel quæstionis. Et si vestigium illud de terra illa non possit educi, quærat ubique suspectum fuerit ac dubium. Et si aliquis illic accusetur, adlegiet se sicut ad hoc pertinebit, et reddat captale et regi cxx. s. Et si quis refragaverit et resistat, et rectum facere nolit, emendet regi cxx. s.

UT QUISQUIS ⁷HOMINES SUOS FACIAT CREDIBILES,
ET DE INFAMATIS, ET ⁸HÆC PRÆCEPTA NEGLIGENTIBUS.'

vii. Et omnis homo credibiles faciat homines suos et omnes qui in pace et terra sua sunt. Et omnes infamati et accusationibus ingravati sub plegio redigantur. Et præpositus, vel thaynus, comes, vel villanus qui hoc facere nolit aut disperdet, emendet cxx. s. et sit dignus eorum quæ supra dicta sunt.

¹ dictum est *add.* ² qui si ³ extorpentur ⁴ Ignotum pecus non emendū sine testimonio. ⁵ investigando pecore furato. ⁶ vestigatione ⁷ *not in M.* ⁸ de eis qui hæc præcepta negligunt.

I BE PIFOMANNES BEREDDUNGE.

i. Līf man mædan oþþe wif peððian wille. ⁊ hit swa hīre ⁊ swoneðan gelicige. þonne is wif þe ge brýð-guma. æfter ^a Godes wifhte ⁊ æfter woruld-gerýrnnum. æfter behate ⁊ on peððe sylle þam men þe hīre ²for-sweccan sylð. þe he on þa wifan hīre geornige. ³þe he hý æfter Godes wifhte healðan wille swa swa hīf wif sceal. ⁊ aborgian hīf sylð þe.

ii. Æfter þam is ⁴to witanne swam þe forter-lean gebrýge. peððige ge brýð-guma eft swa. ⁊ hit aborgian hīf sylð.

iii. Ðonne sylðþan cýþe ge ⁵brýð-guma swa he hīne ⁶geunne wið þam ⁷þæt heo hīf willan ⁸geceore. ⁊ swa he hīne ⁹geunne swif heo leng sylð þonne he.

iv. ⁴Līf hit swa geforword bið. þonne is wif þe heo sylð healfer ⁹ýlfer sylð. ⁊ ealles swif hý cild gemæne hæbban. bute heo ¹⁰eft swa ceore.

v. Trýmme he eal mid peððe þe he behate. ⁊ aborgian sylð þe.

vi. Līf hý þonne ælces wifes gammæle beon. þonne for magas to. ⁊ ¹¹peððian heora magan to wif. ⁊ to wif līfe þam þe hīre ¹²synde. ⁊ ¹³fo to þam wifge seþe swa peððes wifend sylð.

¹ Ðu man mæðen peððian sceal ⁊ hwylce forwearðe swa aghon to beonne. *B.* ² for-sweccan sylð *B.* ³ þe *B.* ⁴ not in *H.* ⁵ brýð-

^a This doctrine is also inculcated in the Capitularies:—‘Placuit ut fideles sciant conjugium a Deo esse constitutum, et quod non sit causa luxuriæ, sed causa potius filiorum adpetendum.’ *Lib. vi. c. 230.*

^b This appears to be another name for the ‘mund’ of Æthelbirht’s dooms, or the money pledged to the family of the wife at her betrothal. In Lower Saxony this sum was called the Brud-kip, or purchase money of the bride; here, the remuneration for her nurture. The ‘forter-lean’ was due to that relation in whose ‘mund’ the woman was at the time of her betrothal. Hence also it is stated in the Salic law:—‘Hoc discernendum videtur cui reippus (forter-lean) debeatur.’ *tit. 46. c. 2.* And in the Capitularies:—‘Non fit conjugium, nisi ab his qui super ipsam feminam dominationem habere videntur, et a quibus custoditur, uxor petatur.’ *vii. c. 463.*

^c This is borrowed from the oath of fealty. In all the Barbaric

OF BETROTHING A WOMAN.

1. If a man desire to betroth a maiden or a woman, and it so be agreeable to her and her friends, then is it right that the bridegroom, according to the ^alaw of God, and according to the customs of the world, first promise, and give a 'wed' to those who are her 'foresprecas,' that he desire her in such wise that he will keep her, according to God's law, as a husband shall his wife: and let his friends guarantee that.

2. After that, it is to be known to whom the ^b'foster-lean' belongs: let the bridegroom again give a 'wed' for this; and let his friends guarantee it.

3. Then, after that, let the bridegroom declare what he will grant her, in case she ^cchoose his will, and what he will grant her, if she live longer than he.

4. ^dIf it be so agreed, then is it right that she be entitled to half the property, and to all, if they have children in common, except she again choose a husband.

5. Let him confirm all that which he has promised with a 'wed;' and let his friends guarantee that.

6. If they then are agreed in every thing, then let the kinsmen take it in hand, and betroth their kinswoman to wife, and to a righteous life, to him who desired her, and let him ^etake possession of the 'borh' who has control of the 'wed.'

guma B. ⁶geunze H. ⁷pe B. ⁸geunze H. ⁹opfer B. ¹⁰æft
B. ¹¹pebian B. ¹²zyrnbe B.

codes the marital authority is represented as co-extensive with that of the lord over his vassal.

^d The language of this law seems to indicate that the *legal* endowment of a woman was one third of the chattels, as in *Ine*, c. 57. By contract, however, before marriage the husband might increase this to one half, and if she had a child, and continued a widow, to the whole of his personal property. Where there was neither child nor endowment before marriage, the law was as it still is, the next of kin of the husband succeeded to two thirds of the deceased's personal estate.

^e Perhaps the meaning of this passage is, that the person to whom the 'wed' was plighted by the husband, and who had both the disposal of it when made good, and the right of claiming it if withheld, was also to enter into a counter-engagement to the husband, to *undertake* the 'borh' on behalf of his kinswoman, the wife.

vii. ¹Uf hý man þonne ut of lande læðan wille on oðre ²þegne land. þonne bið hwe næð ꝥ fnynd þa forþorð habban ꝥ hwe man nan poð to ne do. ⁊ uf heo gýlt gepyrc. ꝥ hý moton beon ^abote nýht. uf heo næfð of hram heo bete:.

viii. Et þam gýftan ſceal mæſſe-ſneort beon mid rihte. ſe ſceal mid Godeſ bletſunge heora gemyrnunge gedepian an ealne gemyrðfulneſſe:.

ix. Wel iſ eac to ³ſapnianne ꝥ man rihte ꝥ hý þurh ⁴mæg-riðbe ^bto gelænge ne beon. þe læſ þe man eft træme ꝥ man ær aroh toſomne gedýdon:.

¹ Uf *B.*

² þegneſ *B.*

^a In accordance with this doctrine it is laid down in the Custumal of Hen. I. c. 70:—‘Si mulier homicidium faciat, in eam vel in progeniem vel parentes ejus vindicetur, vel inde componat; non in virum suum seu clientelam innocentem.’

7. But if a man desire to lead her out of the land, into another thane's land, then it will be advisable for her that her friends have an agreement that no wrong shall be done to her; and if she commit a fault, that they may be ^a nearest in the 'bōt,' if she have not whereof she can make 'bōt.'

8. At the nuptials, there shall be a mass-priest by law; who shall with God's blessing bind their union to all prosperity.

9. Well is it also to be looked to, that it be known, that they, through kinship, ^b be not too nearly allied; lest that be afterwards divided, which before was wrongly joined.

³ *perianne B.*

⁴ *mærgribbe B.*

^b The canons of the time had fixed this in the seventh degree:—
'Christiani ex propinquitatem sui sanguinis usque ad septimum gradum
connubia non ducunt; neque sine benedictione sacerdotis, qui ante
innupti erant nubere audeant.' Capit. L. VI. c. 130.

EADGARES DOOMAS.^a

⁊ ÐIS IS SEO GERÆDNYSS DU WON ÐÆT HUNDRED WÆLDAN SEAL.

Æreft þ hī heo gegaðerian ā ymb feoƿer pucan. ⁊ ƿýrce ælc man oðrum riht:

ii. Ðæt man faran eon . rið æfter ðeoƿan:

Grýf neoð on handa fande. cýðe hit man ðam hundƿeder-men. ⁊ he riððan ðam teoðing-mannum. ⁊ faran ealle forð ðær him God ƿiſe þ hī to-cuman moton. ðo ðam ðeoƿe hī riht ſƿa hit ær ^dEadmunder cƿide ƿær. ⁊ riðle mon þ ceap-ſýlb. ðam ðe þ ýrfe age. ⁊ ðæle man þ oðer on tƿa-healf ðam hundƿede. healf ðam hlaforde. butan mannum. ⁊ fo fe hlaforð to ðam mannum:

iii. And fe man ðe ðiſ forſette. ⁊ ðær hundƿeder ðóm forſace. e⁊ him mon eft þ ilce ſeƿeccc.⁊ ſeſýlle man ðam hundƿede .xxx. peninga. ⁊ æt ðam æfterian cýrre rihtſ penega. half ðam hundƿede. half ðam hlaforde. Grýf [he] hit ðriððan riðe ðo. riðle healf ƿund. æt ðam feorðan cýrre. ðolhe ealles ðær ðe he age. ⁊ beo ſtlahe. buton him fe cýng earð alýfe:

iv. And fe cƿædon be uncuðum ýrfe. þ nan man nærðe buton he hæbbe ðær hundƿeder manna ſeƿitnýſſa. oððe ðær

^a [Edgar, son of Edmund, succeeded his brother Edwi in the year 959, and died in 975.—*T.*]

^b [This document, which had hitherto been known only in Bromton's Latin, is from *B.*, and is undoubtedly the 'set of dooms' alluded to at p. 198, note ^a.—*T.*]

^c [This word is partly illegible in the ms.—*T.*]

^d [The Macro ms., concurring with the Saxon text, reads 'Eadmundi:' Bromton has 'Edwardi;' though there is no law of Edward extant to which the reference is applicable; while the enactment

THE LAWS OF KING EDGAR.^a

THIS IS THE ORDINANCE HOW THE HUNDRED SHALL BE HELD.

First, that they meet always within four weeks: and that every man do justice to another.

2. That a thief shall be pursued

If there be present need, let it be made known to the hundred-man, and let him [make it known] to the tithing-men; and let all go forth to where God may direct them to go: let them do justice on the thief, as it was formerly the enactment of ^aEdmund. And let the 'ceap-gild' be paid to him who owns the cattle, and the rest be divided into two; half to the hundred, half to the lord, excepting men; and let the lord take possession of the men.

3. And the man who neglects this, and denies the doom of the hundred, ^aand the same be afterwards proved against him; let him pay to the hundred xxx. pence, and for the second time sixty pence; half to the hundred, half to the lord. If he do so a third time, let him pay half a pound: for the fourth time, let him forfeit all that he owns, and be an outlaw, unless the king allow him to remain in the country.

4. And we have ordained concerning unknown cattle; that no one should possess it without the testimonies of the men of

referred to is very probably that of Edmund, Conc. Culin. 11. The above document would, in that case, be posterior to Edmund's time, and that it is not later than his successor appears plainly from a reference to it in one of his laws (Edg. v. p. 269.) The foregoing considerations, as well as its place in the ms., at the beginning of Edgar's Laws, have induced me to include it under the general rubric, though without disturbing the old numerical order of those Laws.—*T.*]

^a ['Ut in eum denique recitetur.' *Br.*—*T.*]

teoðing-manner. ⁊ re rý þel zetnýpe. ⁊ buton he ðara oðer hæbbe. nele him mon nænne team geðarian:.

v. Eac pe cpædon. gýf him hundreð beðrife tróð on oðer hundreð. þ mon cýðe ðam hundreðer men. ⁊ he ðonne ðær mid-fare. Grýf he hit forritte. gerýlle ðam cýnge ðrutu gciðt:.

vi. Grýf hrā riht forbuze. ⁊ út-hleape. forgyðe þ an-gýlde reðe hine to ðam hearme geheold. And gýf hine man teo þ he hine út-geote. zeladiqe hine rpa hit on lande rrande:.

vii. On hundreðe rpa on oðer gemote. pe rýllað. þ mon folc-riht zetæce æt ælcepe rpæce. ⁊ andagie hrænne man þ zelærte. ⁊ reðe ðone andagan bpece. buton hit rý ðurh hla-forðer geban. gebete mid .xxx. rciðt. ⁊ to zetetton ðæge zelærte þ he ær rceolde:.

viii. Drýðer belle. ⁊ hunder hoppe. ⁊ blær-horn. ðirra ðneora ælc bið ane rciðt. peorð. ⁊ ælc r^a melba zetealb:.

ix. Dæt rren ðe bið to ðrumfealdum orðale þ rēge .iii. pund. ⁊ to anrældum ān pund:.

^a [A dog's hoop or collar was perhaps regarded as a 'melba' or informer, in consequence of its having a bell attached to it. In

the hundred, or of the tithing-man; and that he be a well trusty man: and, unless he have either of these, let no vouching to warrant be allowed him.

5. We have also ordained: if the hundred pursue a track into another hundred, that notice be given to the hundred-man, and that he then go with them. If he neglect this, let him pay thirty shillings to the king.

6. If any one flinch from justice and escape, let him who held him to answer for the offence pay the 'angylde.' And if any one accuse him of having sent him away, let him clear himself, as it is established in the country.

7. In the hundred, as in any other 'gemōt,' we ordain: that folk-right be pronounced in every suit, and that a term be fixed when it shall be fulfilled. And he who shall break that term, unless it be by his lord's decree, let him make 'bōt' with xxx. shillings, and, on the day fixed, fulfil that which he ought to have done before.

8. An oxes bell, and a dog's collar, and a blast-horn; either of these three shall be worth a shilling, and each is reckoned an 'informer.

9. Let the iron that is for the threefold ordeal weigh III. pounds; and for the single, one pound.

like manner, an axe is declared to be a 'melba,' because of the noise made by it in felling a tree. See Ine, c. 43.—T.]

I.

^a 1 ¹DER IS EADLARES LYNINLES LERÆDNES.

² Ðīr īr ƿeo ³ ƿeræbneƿ þe Eaðƿar ⁴ cýnƿ. mīð hīƿ ƿitena
ƿeƿeahte. ƿeræbbe. Eode to lofe. ⁊ him ⁵ ƿýlfum to
⁶ cýneƿcīpe. ⁊ ⁷ eallum hīƿ leoðƿcīpe to þearfe.

I. Ðæt ⁸ ƿýndon þonne æƿeƿt. þ̅ Eodeƿ ⁹ cýƿican ƿýn ¹⁰ ælceƿ
ƿuhteƿ ƿýrðe. ⁊ man ¹¹ aƿīfe ælce ¹² teoðunƿe to þam ealðan
¹³ mýnƿtƿe þe ƿeo ¹⁴ hýƿneƿ to-hýrð. ⁊ þ̅ ƿý þonne ƿƿa ¹⁵ ƿe-
læƿt. æƿðeƿ ƿe of þeƿneƿ in-lande ƿe of ¹⁶ ƿeneat-lande. ¹⁷ ƿƿa
ƿƿa hit ƿeo ƿulh ƿeƿanƿe.

BE LIRIL-SEATTUM.

II. Eīƿ hƿa þonne ¹⁸ þeƿena ƿý þe on hīƿ ¹⁹ bōc-lande
²⁰ cýƿucean hæbbe þe leƿeƿ-ƿtoƿ on ƿý. ƿeƿýlle ²¹ he ²² þone
þƿiððan ðæl hīƿ ²³ aƿenƿe teoðunƿe into hīƿ ²⁴ cýƿucean. Eīƿ
hƿa ²⁵ cýƿucean hæbbe þe leƿeƿ-ƿtoƿ on ²⁶ ne ²⁷ ƿý. ²⁸ þonne
²⁹ ðo he of þam ³⁰ nīƿon ðælum hīƿ ƿƿeoƿte þ̅ þ̅ he ƿille. ⁊
ƿa ælc ³¹ cýƿuc-ƿceat into þam ealðan mýnƿtƿe be ³² ælcum
³³ ƿƿƿƿan heorðe. ³⁴ ⁊ ƿelæƿte man ƿulh-ælmeyƿan þonne .xv.
niht beon on ƿƿan Eapƿan.

BE TEODUNLUU.

III. And ³⁵ ƿý ³⁶ ælceƿe ƿeoƿuðe ³⁷ teoðunƿ ƿelæƿt be Pente-
coƿten. ⁊ þaƿa eoƿð-ƿæƿtma be emn-niht. ⁊ ælc ³⁸ cýƿuc-
ƿceat ³⁹ be Ðapƿtīnƿ-ƿæƿƿan. be ⁴⁰ þam ƿullan ƿite þe ƿeo
⁴¹ ðōm-boc tæcð. ⁴² ⁊ ƿīƿ ⁴³ hƿa þonne þa teoðunƿe ƿelæƿtan
nelle. ƿƿa ƿe ƿeƿeðen habbað. ⁴⁴ ƿaƿe þæƿ ⁴⁵ cýnƿeƿ ƿeƿeƿa
⁴⁶ tō. ⁊ þæƿ ⁴⁷ bīƿeoƿeƿ. ⁊ þæƿ mýnƿtƿeƿ mæƿƿe-ƿƿeoƿt. ⁊

¹ no rubric in G. ² Ðīr D. ³ ƿeræbneƿ G. ⁴ cýnƿe D. ⁵ ƿilfum
D. ⁶ cýnƿcīpe A.D. ⁷ eallum hīƿ leoðƿcīpe not in D. — leoð-
ƿcīpe A. ⁸ ƿýnt A. ƿýnð D. ⁹ cīƿican D. ¹⁰ not in A. ¹¹ G.
¹² teoðunƿa D. ¹³ mýnƿtƿum D. ¹⁴ heƿneƿ G. ¹⁵ ƿelearƿ G.
¹⁶ neat-lande D.G. ¹⁷ ƿƿa ƿƿa hīƿ ƿulh ƿeƿa G. ¹⁸ þeƿna G.
¹⁹ G. ²⁰ cīƿican D. ²¹ not in D. ²² þane G. ²³ aƿenƿa teoƿunƿa
D. ²⁴ cīƿican D. ²⁵ habbe G. ²⁶ not in D. ²⁷ ƿie G. ²⁸ not
in D. ²⁹ A. ³⁰ nīƿoðan ðæle G. ³¹ cīƿuc- D. ³² ælcom D.

I.

* HERE IS THE ORDINANCE OF KING EDGAR.

This is the ordinance that king Edgar, with the counsel of his 'witan,' ordained, in praise of God, and in honour to himself, and for the behoof of all his people.

1. These then are first: that God's churches be entitled to every right; and that every tithe be rendered to the old minster to which the district belongs; and that be then so paid, both from a thane's 'in-land,' and from 'geneat-land,' so as the plough traverses it.

OF CHURCH-SCOTS.

2. But if there be any thane who on his 'boc-land' has a church, at which there is a burial-place; let him give the third part of his own tithe to his church. If any one have a church at which there is not a burial-place, then, of the nine parts, let him give to his priest what he will; and let every church-scot go to the old minster, according to every free hearth: and let plough-alms be paid, when it shall be fifteen days over Easter.

OF TITHES.

3. And let a tithe of every young be paid by Pentecost; and of the fruits of the earth by the equinox; and every church-scot by Martinmass, on peril of the full 'wite' which the doom-book specifies: and if any one will not then pay the tithe, as we have ordained, let the king's reeve go thereto, and the bishop's, and the mass-priest of the minster, and take

³³ *prizean A.* ³⁴ *not in G.* ³⁵ *ry A. ^ G.* ³⁶ *ælcepe D.* ³⁷ *teo-ðunge D.* ³⁸ *cipic- D.* ³⁹ *ry zelærc add. G.* ⁴⁰ *pan A. pæm G.* ⁴¹ *^ A.* ⁴² *not in D.* ⁴³ *not in A.* ⁴⁴ *ponne fape D.* ⁴⁵ *cinger A.* ⁴⁶ *^ G.* ⁴⁷ *biscopere D.*

* [The text is from a collation of the mss. *A.*, *D.*, and *G.*—*T.*]

nıman ¹unþanceſ þone' teoðan ðæl to þam mýnſtpe þe hit
²to-gebyrge. 7 ³tæcan him to þam ⁴nýgoðan ðæle. 7 toðæle
man þa eahta ðealaſ on ⁵tpá. 7 ⁶fó 7e land-hlaforð to
⁶healfum. to ⁶healfum 7e ⁷byrceop. 7ý' hit ⁸cýnſgeſ man.
⁹7ý hit þegneſ:

BE ÐON ÞEORÐ-PENINLE.

iv. And ¹⁰7ý ælc heorð-¹¹peniſ aſýfen' be Petneſ mæſſe-
¹²ðæge. 7 ¹³7eþe hine to' þam andagan ſelæſt næbbe. læde
hine to Rome. 7 ¹⁴þær to-eacan .xxx. ¹⁵pæneſa. 7 bynſge
¹⁶þonne ¹⁷þonon ¹⁸ſputelunſe þ he ¹⁹þær 7pa micel betæht
hæbbe. And þonne he ham ²⁰cume. ²¹ſýlde þam ²²cýnſge
hund-ſpelſtiſ ²³ſeillinga. 7 ²⁴ſýf he hine eft ²⁵ſýllan ²⁶nelle.
læde hine eft to ²⁷Róme. 7 oðſe ²⁸ſpýlce boſe. 7 þonne he
ham cume. ²⁹ſýlde þam cýnſge tpa hund ³⁰ſeill. Eſ þam
þýððan ³¹ſýðe. ſýf' he þonne ³²ſýt nelle. þoliſe ealler þær þe
he ³³áge:

BE FREOLS-DALUM AND FÆSTENUM.

v. And healde ³⁴man ælceſ Sunnan-ðægeſ ³⁵ſſeolſunga
ſſam ³⁶nón-tiðe ³⁷þær ðæteſneſ-ðægeſ ³⁷oþ þær Wınan-ðægeſ
lihſtinge. be þam 7iſe þe ³⁸ſeo ðom-boc ³⁹tæcð. 7 ælcne
oðeſne mæſſe-ðæſ 7pa he beboden ⁴⁰beo. 7 man ⁴¹ælc ⁴²be-
boden ſæſten healde mið ⁴³ælceſe 7eoſnfulneſſe. ⁴⁴7 ælceſ
Fſiſge-ðægeſ ſæſten. buton hit ſſeolſ 7ý. 7 ⁴⁵ſelæſte man
⁴⁶ſapl-ſceat æt ælcan cſurſtenan men to þam mýnſtpe þe hit
to-⁴⁷gebyrge. 7 ⁴⁸ſtande ælc ⁴⁹cſurc-ſýð 7pa 7pa hit betſt
ſtob: //

¹ unþanceſ A. ² to-byrge A. to-gebyrge D. ³ tæcen D. ⁴ nýgoðan A. nýgoðan G. ⁵ G. ⁶ healfan G. ⁷ byrceop. 7ı D. ⁸ cýnſgeſ D. ⁹ 7ı D. ¹⁰ 7ı A. ¹¹ -peniſ aſýfen A. -pæniſ - G. ¹² -ðæſ A.G. ¹³ 7eþe þonne to G. ¹⁴ þær D. ¹⁵ p. D. ¹⁶ þæneſ A. ¹⁷ þanon G. ¹⁸ ſputelunſe D. ſpýtolunſa G. ¹⁹ þær D. ²⁰ come A. ²¹ ſýlde D. ²² cýnſge D. ²³ ſeill. G. ²⁴ ſýf A.G. ²⁵ ſýllan D. ²⁶ nýlle G.

by force a tenth part for the minster to which it is due; and assign to him the ninth part; and let the eight parts be divided into two, and let the land-lord take possession of half, half the bishop; be it a king's man, be it a thane's.

OF THE HEARTH-PENNY.

4. And let every hearth-penny be rendered by St. Peter's mass-day: and he who shall not have paid it by that term, let him be led to Rome, and in addition thereto [pay] xxx. pence, and bring then a certificate thence, that he has there rendered so much; and when he comes home, pay to the king a hundred and twenty shillings. And if again he will not pay it, let him be led again to Rome, and with another such 'bōt;' and when he comes home, pay to the king two hundred shillings. At the third time, if he then yet will not, let him forfeit all that he owns.

OF FESTIVALS AND FASTS.

5. And let the festivals of every Sunday be kept, from noontide of the Saturday, till the dawn of Monday, on peril of the 'wite' which the doom-book specifies; and every other mass-day, as it may be commanded: and let every ordained fast be kept with every earnestness; and every Friday's fast, unless it be a festival: and let soul-scot be paid for every Christian man to the minster to which it is due; and let every church-'grith' stand as it has best stood.

27 *G.* 28 *rpilce D.* 29 *gilde D.* 30 *rcyllinga A.* 31/ *ryðe. gýf A.*
cýppe - G. 32 *gýc A.* 33 *^ G.* 34 *mon A.* 35 *rneolr G.* 36 *^ G.*
37 *not in A.* 38 *not in G.* 39 *æce D.* 40 *ry D.* 41 *not in G.*
42 *bebodon D.* 43 *ælcpe G.* 44/ *not in D.* // *not in G.* 45 *læfte A.*
46 *raul. A.* 47 *-gebryge D.* 48 *rcanb A.* 49 *cýmce. A.*

II.

I PEORULD-LEAEDNES.

I. Ðiŕ iŕ þonne ŕeo ²peoruldcunðe ƒeƒaðneŕ þe ic wille þ̅ man healde. þ̅ iŕ þonne ³æneŕc þ̅ ic wille. þ̅ ælc man ŕŕ folc-ŕihter ⁴ŕŕŕðe. ⁵ƒe eaŕum ⁶ƒe eaðiƒ. ƒ ⁷him man ŕihte ðomaŕ. ⁸ðeðe. ƒ ŕŕ on ⁹þæne boðe ¹⁰ŕŕilc ¹¹ŕoŕŕiŕneŕ ¹²ŕŕilce hiŕ ŕoŕ Ðoðe ¹³ƒeþeoŕhlic ŕŕ ƒ ŕoŕ ¹⁴peoŕulðe aþenðlic:.

BE ÐON ÐE MON EYNLE LESELE. AND BE ÐEOM
þERE.

II. And ¹⁵ne ƒeƒece nān man ¹⁶þone ¹⁷cŕnƒ ŕoŕ nanŕe ¹⁸ŕŕŕæce. ¹⁹buton he æt ham ŕihter ²⁰ŕŕŕðe beon ne mote. oþþe ŕiht aþiððan ne mæƒe. ²¹Liŕ þ̅ ŕiht to heŕiƒ ŕŕ. ²²ƒece ŕiþþan þa ²³hihtinƒe to þam cŕnƒe. ƒ æt nanum boð-ŕŕŕðum ²⁴ƒŕlce ne ŕoŕŕŕne man maŕe ²⁵þonne hiŕ ƒeŕ:.

BE UNRIPTUM DOME.

III. And ²⁶ƒe ðema þe oðŕum poð ²⁷ðeðe. ƒeŕŕille' þam ²⁸cŕnƒe hunð-²⁹teŕŕiƒ. to boðe. ³⁰butan he mið aðe ³¹ƒecŕþan ðuŕne þ̅ he hiŕ na ŕihtoŕ ne cuðe. ƒ þoliƒe ³²ð hiŕ ³³þegenŕiŕer. ³⁴butan he ³⁵hine æt þam cŕnƒe ³⁶ƒebicƒe ŕŕa ³⁷ŕŕa he him ƒeþaŕian wille. ƒ ³⁸āmanƒe þæne' ³⁹ŕiŕne ⁴⁰hiŕceop þa boðe to þæŕ ⁴¹cŕnƒer handa:.

BE ÐON ÐE MON OÐERNE FORSELLAÐ.

IV. And ƒeþe oðeŕne mið ⁴²ŕōƒe ⁴³ŕoŕŕecƒan wille. þ̅ he ⁴⁴aðoŕ oþþe ŕeo oþþe ⁴⁵ŕneðe þe ŕŕŕŕa ⁴⁶ŕŕ. Liŕ' þonne ƒe oðeŕ ⁴⁷þ̅ ƒeunŕoðian mæƒe þ̅ him man onŕecƒan poðe. ⁴⁸ŕŕ he hiŕ tunƒan ⁴⁹ŕeŕlðiƒ. ⁵⁰buton he hine mið hiŕ ƒeŕe ⁵¹ŕoŕ-ŕilðe:.

¹ Eaðƒaneŕ cŕnƒneƒer ƒeƒaðneŕ. *D.* ² peoŕulðecunðe *A.* peoŕlðcunðe *D.* ³ not in *G.* ⁴ þuŕðe *D.* ⁵ " *D.* ⁶ heom *D.* ⁷ " *G.* ⁸ þaŕe *D.* ⁹ ŕŕŕlce *G.* ¹⁰ ŕoŕŕŕneŕ *A.* ¹¹ ŕŕŕlce *G.* ¹² ƒeþeoŕhlic *G.* ¹³ peoŕlbe *A.* peoŕlbe *D.* ¹⁴ na *A.* ¹⁵ þæne *A.* ¹⁶ cŕnƒe *D.* ¹⁷ ŕŕæce *A.* ¹⁸ butan *G.* ¹⁹ not in *D.* ²⁰ Liŕ *G.* ²¹ ƒecan *D.* ²² lyhtinƒe *A.* ²³ ŕilce *D.* ²⁴ þane *G.* ²⁵ ƒe ðema ƒeþe oðŕum on poð ƒeðeme *G.* ²⁶ ƒeŕille *D.* ²⁷ cinƒe *A.* ²⁸ -teŕŕiƒ *G.* ²⁹ ŕeŕlinƒa *A.* ³⁰ buton

II.

SECULAR ORDINANCE.

1. Now this is the secular ordinance which I will that it be held. This then is first what I will: that every man be worthy of 'folk-right,' as well poor as rich: and that righteous dooms be judged to him; and let there be such remission in the 'bōt,' as may be becoming before God and tolerable before the world.

IN CASE ANY ONE APPLY TO THE KING: AND OF
THE 'WĒR.'

2. And let no man apply to the king, in any suit, unless he at home may not be worthy of law, or cannot obtain law. If the law be too heavy, let him seek a mitigation of it from the king: and, for any 'bōt'-worthy crime, let no man forfeit more than his 'wēr.'

OF UNRIGHTEOUS JUDGMENT.

3. And let the judge who judges wrong to another pay to the king one hundred and twenty shillings as 'bōt;,' unless he dare to prove on oath, that he knew it not more rightly: and let him forfeit for ever his thaneship; unless he will buy it of the king, so as he is willing to allow him: and let the bishop of the shire exact the 'bōt' into the king's hands.

IN CASE ANY ONE ACCUSE ANOTHER.

4. And he who shall accuse another wrongfully, so that he, either in money or prosperity, be the worse; if then the other can disprove that which any one would charge to him; be he liable in his tongue; unless he make him compensation with his 'wēr.'

D. ³¹ cýpan *D.* ³² not in *G.* ³³ āā *D.* ³⁴ þeƿenreƿer *A.* ³⁵ buton
D. ³⁶ hine eft *G.* ³⁷ ƿebixƿe *G.* ³⁸ not in *G.* ³⁹ ƿeƿe *A.* ⁴⁰ ƿeƿe *G.* ⁴¹ biƿeop *D.* ⁴² cingef *A.* ⁴³ ƿō
A. and unpriƿt in the margin. *G.* ⁴⁴ ƿopreccan *D.* ⁴⁵ ƿopreƿƿan *G.*
⁴⁶ aƿer *A.* ⁴⁷ ƿeope *A.G.* ⁴⁸ ƿneme *D.* ⁴⁹ ƿƿe *G.* ⁵⁰ not in *G.*
⁵¹ ƿi *G.* ⁵² ƿeilbiƿ *D.* ⁵³ butan *G.* ⁵⁴ ƿopƿilbe *D.*

BE LEMOTUM.

v. And ſece man ¹hundþeð-ðemōt. ꝥa hit ær ƷeƷet þær. ꝥ ²hæbbe man þrȳpa on Ʒeape ³buph-ðemōt. ꝥ tupa ⁴Ʒcȳr-ðemōt. ꝥ ⁵þær beo on ⁶þære Ʒcȳpe ⁷bȳrceop ꝥ re ⁸ealþorþman. ꝥ ⁹þær æƷðer ¹⁰tæcan ¹¹Ʒe Ʒodeſ riht Ʒe ¹²poꝛulð-riht:

BE BORGUM.

vi. And ſinde him ælc man þ̅ he boꝛh ¹³hæbbe. ꝥ re boꝛh hine ¹⁴þonne to ¹⁵ælcon rihte Ʒelæde ꝥ Ʒehealde. ꝥ ¹⁶Ʒȳf hpa þonne poꝛ ¹⁷Ʒȳrce ꝥ ¹⁸ut-oðberȳte. abere re boꝛh þ̅ he ¹⁹abepan Ʒcolde. ²⁰Ʒȳf hit ²¹þonne þeoꝝ beo. ꝥ ²²Ʒȳf he ²³hine binnan tpełf monðum ƷelanƷian mæƷe. ²⁴Ʒȳfe hine to rihte. ꝥ him man ²⁴Ʒȳfe þ̅ he ²⁵æſ Ʒealð:

BE A TIPȳ-BYSELUM.

vii. And ſeþe ²⁶tihc-bȳriƷ Ʒȳf ꝥ Ʒolce ²⁷unƷetȳpe. ꝥ þaſ Ʒemot ƷoꝛbuƷe ²⁸þrȳpa. þonne ²⁹Ʒceapȳe man of þam Ʒemote þa þe him ³⁰to-riðan. ꝥ ſinde him þonne ³¹Ʒȳt boꝛh ³²Ʒȳf he mæƷe. ³²Ʒȳf he þonne ne mæƷe. ³³Ʒepȳlðe ³⁴man hine ³⁵Ʒpaðoꝛ man mæƷe. ꝥpa ³⁶cucenne Ʒpa ðeaðne. ꝥ ³⁷niman eal þ̅ he aƷe. ꝥ ³⁸Ʒȳlðe man þam ³⁹teonðe hiȳ ⁴⁰ceap-Ʒȳlð ⁴¹anƷȳlðeſ. ꝥ Ʒo re ⁴²hlafoꝛð ⁴³elleſ to ⁴⁴healƷan. to ⁴⁵healƷan þ̅ hundþeð. ꝥ ⁴⁶Ʒȳf ⁴⁷aðer oþþe ⁴⁸mæƷ oþþe Ʒnemðe þa riðe ƷoꝛƷace ⁴⁹Ʒilðe þam ⁵⁰cȳnƷe ⁵¹hund-tpełftiƷ ⁵²Ʒcillinga. ꝥ ⁵³Ʒeſe re ⁵⁴æbera þeoꝝ þ̅ þ̅ he Ʒeſe. oþþe ſeþe on hlafoꝛð-Ʒeapne Ʒemet Ʒȳf þ̅ hi næſne Ʒeoꝛh ⁵⁵ne ⁵⁶Ʒeſcen. ⁵⁷buton ſe cȳnninge him Ʒeoꝛh-Ʒeneſeſ unne:

BE MYNETUM AND LEMETUM.

viii. And ⁵⁸ƷanƷe ⁵⁹an mȳnet ofeſ ealne þær ⁶⁰cȳnƷeſ

¹ hundþeðer- *D.* ² habbe *G.* ³ bupuh- *D.* ⁴ Ʒcȳr- *A.* ⁵ þaſ *D.*
⁶ þape *D.* ⁷ bȳrceop *D.* ⁸ ealþerþman *A.* ⁹ þaſ *D.* ¹⁰ tæcen *A.*
¹¹ Ʒodeſ *D.* ¹² poꝛlð- *D.* ¹³ habbe *D.* ¹⁴ not in *D.* ¹⁵ ælcum *G.*
¹⁶ Ʒȳf *A.G.* ¹⁷ riſce *D.* ¹⁸ æt-berȳte *A.* ut-aberȳte *D.* ¹⁹ bepan
²⁰ Ʒȳf *A.G.* ²¹ not in *A.* ²¹ þȳð *G.* ²² Ʒȳf *G.* ²³ hine þonne
²⁴ aȳfe *A.G.* ²⁵ æſ Ʒealðe *G.* ²⁶ tihc-bȳriƷ *D.* ²⁷ tȳht-
²⁷ bȳriƷ *G.* ²⁷ unƷetȳpe *G.* ²⁸ not in *A.G.* ²⁹ Ʒcȳte *D.* Ʒceapȳe *G.*
³⁰ to-riðan *A.* ³¹ Ʒȳt *D.* ³² Ʒȳf *A.G.* ³³ Ʒepȳlðe *D.* ³⁴ mon *A.*
³⁵ Ʒpaðer *A.* Ʒpa hpaðer Ʒpa *D.* ³⁶ cucunne *D.* cȳcne *G.* ³⁷ nime
³⁸ Ʒilðe *D.* ³⁹ teonðan *D.* ⁴⁰ cep-Ʒȳlð *A.* ⁴¹ anƷilðeſ *D.* an-

OF 'GEMÖTS.'

5. And let the hundred-*'gemōt'* be attended as it was before fixed; and thrice in the year let a *'burh-gemōt'* be held; and twice, a shire-*'gemōt'*; and let there be present the bishop of the shire and the *'ealdorman'*, and there both expound as well the law of God as the secular law.

OF 'BORHS.'

6. And let every man so order that he have a *'borh'*; and let the *'borh'* then bring and hold him to every justice; and if any one then do wrong and run away, let the *'borh'* bear that which he ought to bear. But if it be a thief, and if he can get hold of him within twelve months; let him deliver him up to justice, and let be rendered to him what he before had paid.

OF ^a'TIHT-BYSIG' PERSONS.

7. And he who is *'tyht-bysig'*, and is untrue to the people, and has shunned these *'gemōts'* thrice; then let there be chosen from the *'gemōt'* those who shall ride to him, and then let him yet find a *'borh'* if he can: but if he cannot, let them seize him as they can, whether alive or dead; and take all that he owns; and let the accuser be paid an *'angylde'* for his *'ceap-gild'*: and let the lord moreover take half, half the hundred; and if either a kinsman or a stranger refuse the riding, let him pay to the king a hundred and twenty shillings: and let a notorious thief seek whatever he may seek, or he who is found in plotting against his lord, so that they never seek life; unless the king will grant them salvation of life.

OF MONEY AND MEASURES.

8. And let one money pass throughout the king's dominion;

gelber *G.* ⁴² lanð-hlaforð *G.* ⁴³ not in *G.* ⁴⁴ healran *G.* ⁴⁵ healran
A. G. ⁴⁶ zýf *G.* ⁴⁷ aðon *G.* ⁴⁸ ^ *G.* ⁴⁹ zýlbe *G.* ⁵⁰ cýnunge *D.*
⁵¹ cxx. *D.* ⁵² jciif. *G.* ⁵³ ^ *G.* ⁵⁴ æbæpa *G.* ⁵⁵ na *A.* ⁵⁶ zerecan
D. ⁵⁷ *D.* ⁵⁸ za *G.* ⁵⁹ ^ *D.* ⁶⁰ cingjer *A.* cýnizer *D.*

^a The original has been retained in the translation, though there can be little doubt that it means a person who had forfeited his civil rights by a legal conviction of crime.

anpealð. ¹ ʒ þone nan man ne forʒace. ʒ ʒange ² ʒan ʒemet ʒ
 ʒan ʒerihhte. ³ ʒpille ⁴ man on Lunden. ⁵ bȳpuz ʒ on ⁶ ʒintan-
 ceapŕe healbe. ʒ ʒa ʒeo pæge pulle ^a to .cxx. ʒ. ʒ nan man
⁷ hȳ ⁸ na undeopor ne ⁹ ʒýlle. ʒ ʒif hpa hȳ þonne undeopor
⁹ ʒýlle. oþþe eapunga oþþe deapnunga. ¹⁰ ʒilde æʒðer þam cȳnge
¹¹ .xl. ʒcillinga. ʒe ʒeþe ¹² hȳ ¹³ ʒýlle ʒe ʒeþe ¹⁴ hȳ bȳcge:.

SUPPLEMENT TO EDGAR'S LAWS.

I. Ðer iŕ ʒerputelod on þiŕum ʒerpute hu Eaðgar ¹⁵ cȳnge
 pæŕ ʒmeazende hpaet to bote mihte æt þæm fæŕ-cpealme þe
 hiŕ ¹⁶ leodŕcipe ʒpȳðe ðrehte ʒ panode riðe ʒȳnd hiŕ anpealð.
 Ðæt iŕ þonne æper. ꝥ him þuhte ʒ hiŕ piŕum ꝥ þuŕ ʒepað
 ungelimp mið ʒȳnnum ʒ mið oŕerhȳpȳŕŕe Goder beboda
 ʒeapnodb pæpe. ʒ ʒpȳðorŕ mið þam oŕtȳge þæŕ neað-ʒafoley
 þe cpiŕtene men God eelæŕtan ʒcolbon on heopa ¹⁷ teoðing-
 ʒceattum. Ðe beþohhte ʒ aŕmeade ꝥ ʒodbunde be populð-
 ʒepunan. Eiŕ ʒeneat-manna hpiŕ forȳmeleaŕað hiŕ hla-
 forðer ʒafoŕ ʒ hit him to þæm ʒiht andaȳan ne ʒelæŕt. pen
 iŕ ʒif ʒe hlaforð mið-heorŕ bið ꝥ he þa ʒȳmeleaŕte to ¹⁸ for-
 ʒȳfeneŕŕe læte ʒ to hiŕ ʒafole buton piŕnunge ¹⁹ fō. ²⁰ Eiŕ
 he þonne ʒelomlice þuŕh hiŕ bȳðelaŕ hiŕ ²¹ ʒafoley mȳnȳað
 ʒ he þonne aheapdað ʒ hit þencð to ætŕŕenȳenne. pen iŕ ꝥ
 þæŕ hlaforðer ʒŕama to ²² þam ʒpȳðe' peaxe ꝥ he him ne
 unne naðer ne ²³ æhta ne liŕer. Ðpa iŕ ²⁴ pēn ꝥ uŕe Ðuhten
²⁴ ðo þuŕh þa ʒeðuŕŕiȳnȳŕŕe þe folcer men pið-hæŕton þæpe
 ʒelomlican ²⁵ mȳneȳunge þe uŕe ²⁶ lāpeopar ðȳdon ȳmbe ꝥ
 neað-ʒafoŕ uŕer Ðuhtner. ꝥ ʒȳn uŕe teoðunga ʒ cȳp-
 ʒceattar. Ðonne beode ic ʒ ʒe ²⁷ aŕcebiŕceop ꝥ ʒe God ne
²⁸ ʒnemian ne naðer ne ʒeapnian ne þone ²⁹ fæpŕican deað
 þiŕer andpeapdan liŕer ne huŕu þone to-peapdan ³⁰ ēcepe helle
 mið ³¹ æniȳum oŕtȳge Goder ʒerihhta. ac æʒðer ʒe eapm ʒe

¹ ʒ þane nan man ne forʒace. ʒ ʒemet ʒpille man on þintan-ceŕŕe
 healbe. ʒ ʒa ʒeo pæȳ pulle to ealŕan punbe. ʒ hie nan man na
 deopor ne ʒýlle. *G. and here it closes.* ² *D.* ³ ʒpille *D.* ⁴ mon *A.*
⁵ -biŕuz *D.* ⁶ þinta-ceapŕe *D.* ⁷ hȳ *A.* ⁸ not in *D.* ⁹ ʒille *D.*
¹⁰ ʒýlbe *A.* ¹¹ *LX.* ʒcillinga *A.* ¹² hȳ *A.* ¹³ ʒille *D.* ¹⁴ hȳ *A.*

^a The variation in ms. *G.* is 'to [h]ealŕan punbe,' which makes it
 more than probable that we should here read 'xxx. ʒcillinga.' [There

and that let no man refuse: and let one measure and one weight pass; such as is observed at London and at Winchester; and let the way of wool go for ^acxx. \tilde{p} .; and let no man sell it cheaper; and if any one sell it cheaper, either publicly or privately, let each pay xl. shillings to the king, both him who sells it, and him who buys it.

SUPPLEMENT TO EDGAR'S LAWS.

1. Here is manifested in this writing how Edgar the king was deliberating what might be for 'bōt' in the pestilence, which much afflicted and decreased his people, widely throughout his dominion.—That then is first: that it seemed to him and his 'witan' that a misfortune of such kind had been merited by sins, and by contempt of God's commandments, and most of all by the diminution of the need-*'gafol,'* that Christian men ought to render to God in their tithing-scots. He thought on and considered the divine according to worldly usage. If any 'geneat-man' neglect his lord's tribute, and do not render it to him at the right term, it may be expected, if the lord be merciful, that he will grant forgiveness of the neglect, and accept his tribute without a penalty. But if he, by his messengers, frequently remind him of his tribute, and he then be obdurate and think to resist it, it is to be expected that the lord's anger will so greatly increase, that he will neither grant him property nor life. Thus it is to be expected that our Lord will do, through the audacity with which people have resisted the frequent admonition that our teachers have made, respecting the need-*'gafol'* of our Lord; that is, our tithes and church-scots. Then I and the archbishop command, that ye anger not God, nor merit either the sudden death of this present life, nor, still more, the future one of eternal hell, by

15 cýnnunze *F.* 16 leobdæpe *C.* 17 ceoðunze- *F.* 18 forðýrnýrre *F.*
 19 *C.F.* 20 Lýt *C.* 21 ȝafole *F.* 22 pan rriðe *F.* 23 *F.*
 24 *C.F.* 25 mýnzunze *F.* 26 *F.* 27 æpcebyceop *F.* 28 ȝnýmman
F. 29 *F.* 30 *C.F.* 31 ænegum *F.*

is no substantial difference between the mss., 'cxx \tilde{p} .' being a contraction for 'cxx. peninȝa,' or, as *G.* expresses it, 'half a pound.'—*T.*]

any diminution of God's dues: but that both rich and poor, who have any tith, render to God his tithes with all joyfulness and without all grudge, as the ordinance teaches that my 'witan' ordained at Andover, and now again confirmed with their 'weds' at 'Wihtbordesstan.' Then I command my reeves, by my friendship, and by all which they possess, that they punish every of those who will not render this, and shall break the 'wed' of my 'witan' by any remissness, according as the aforesaid ordinance teaches: and of the punishment be there no forgiveness. If he be so poor that he do the one or the other; either that he diminish the things of God, to the perdition of his soul, or with anger of mind more remissly treat them, than that which he counteth to himself as his own; then is that much more his own which ever lasts him to eternity, if he would do it without grudge and with perfect gladness. Then will I, that these God's dues stand everywhere alike in my dominion, and that the servants of God, who receive the moneys which we give to God, live a pure life; that, through their purity, they may intercede for us with God; and that I and my thanes direct our priests to that which the pastors of our souls teach us, that is our bishops, whom we ought never to disobey in any of those things which they teach us on the part of God, so that, through the obedience with which we obey them on account of God, we may merit that eternal life to which they fit us by doctrine, and with example of good works.

2. I will that secular rights stand among every people as good as they can be best devised, to the pleasure of God, and to my perfect royalty, and to the need and peace of rich and poor: and in every 'burh,' and in every shire, that I may have my rights of royalty as my father had; and that my thanes have their dignity, in my time, as they had in my father's. And I will, that secular rights stand among the Danes with as good laws as they best may choose. But with the English, let that stand which I and my 'witan' have added to the dooms of my forefathers, for the behoof of all the people. Let this ordinance, nevertheless, be common to all

C. ¹⁸ hýprumiað *C.* ¹⁹ goðþra *F.* ²⁰ leobrcýpe *C.* ²¹ h₁ *C.*
²² not in *F.* ²³ zecpennijre *C.* ²⁴ cýnercýpe *C.* ²⁵ eabegum *C.*
²⁶ rcýpe *C.* ²⁷ cýnercýper *C.* ²⁸ h₁ *C.* ²⁹ Englum *C.* ³⁰ leobrcýpe *C.*

eallum leodricpe ægðer ge ¹Ænglum ge Denum ge Bryttum on ælcum ende mineſ anpealdeſ to þý þ eapm y eadiſ mote ²āzan þ ³hý mið rihte Ʒertrýnað y þeoſ nýte hƷær he ⁴þýſðe beƷærte þeah he hƷæt ſtele y him ſƷa Ʒeborſen ſý heoſa unpiller þ heoſa to ⁵ſela ne ⁶loſien:.

III. ⁷Ðæt iſ þonne þ ic pille. þ ælc mann ſý undeſ borſe ge binnan burſum ge ⁸buton burſum. y ⁹Ʒeritneſ ¹⁰ſý Ʒeſet to ælcepe býriſ y to ælcum hundrode:.

IV. To ælcepe býriſ .xxxiii. ſýn ¹¹Ʒecopene to Ʒeritneſſe:.

V. To ſmalum burſum y to ælcum hundrode .xii. buton ge ¹²mā ¹³pillan:.

VI. And ælc mon mið heoſa ¹⁴Ʒeritnýſſe biſcege y ſýlle ælc ¹⁵þaſa ceapa þe he biſcege oðer ſýlle aðer oþþe burſe oþþe ¹⁶on Ʒæpen-ſetæce. y heoſa ælc þonne hine man æſeſt to ¹⁷Ʒeritnýſſe Ʒecýrð ſýlle ¹⁸þone að þ he næſſe ne ſoſ ſeo ne ſoſ luf ne ſoſ ege ne ætſace naner þaſa þinſa þe he to ¹⁹Ʒeritnýſſe Ʒæſ y ²⁰nān oðer þinſe on ²¹Ʒeritnýſſe ne cýþe butan þ ²²ān þ he Ʒeſeah oþþe Ʒehýrde. y ſƷa ²³Ʒeæðeðſa manna ²⁴ſýn on ælcum ceape tpegen oþþe þſý to Ʒeritnýſſe:.

VII. And ſeþe æſteſ ²⁵æneſum ceape riðe cýþe hiſ neah-Ʒeburum ýmbe hƷæt he riðe y þonne he ham cume cýþe eac on hƷæſ Ʒeritnýſſe he þone ceap Ʒebohte:.

VIII. ²⁶Liſ he þonne unmiðlunſe ceap ²⁷āreðiſe ut on hſýlcepe ſaſe buton he hiſ ²⁸æſ cýðde þa he ²⁹ūt-ſað cýþe hiſ þonne he ³⁰hām cýme y Ʒiſ hiſ cuce oſſ bið mið hiſ tunſceſ Ʒeritnýſſe on Ʒemænne læſe Ʒebriſge. ³¹Liſ he ſƷa ne deð ³²æſ ³³ſiſ nihtum cýþan hiſ þæſ tuner men þam hundreðer ealdeſ y beon buton riðe ægðer ge hý ſýlſe ge heoſa hýrðar y þoliſe þæſ oſſeſ þe hiſ þiðer bſohte ſoſ ³⁴þý þe he hiſ ³⁵neah-Ʒeburum cýþan nolde y ſo ſe land-ſa ca to healſan y to healſan þ hundreð:.

¹ Ænglum C. ² F. ³ hi C. ⁴ þeoſte C. ⁵ ſeola C. ⁶ loſigen F.
⁷ Ðæt þonne hiſ C. ⁸ butan C. ⁹ Ʒeritneſ C. ¹⁰ F. ¹¹ Ʒe-
 copene C. ¹² C.F. ¹³ pillan C. ¹⁴ Ʒeritneſſa C. ¹⁵ þeoſa C.
¹⁶ not in C. ¹⁷ Ʒýtneſſe C. ¹⁸ þæne F. ¹⁹ Ʒeritnýſſe C. ²⁰ F.

the people, whether English, Danes, or Britons, on every side of my dominion; to the end that poor and rich may possess what they lawfully acquire, and a thief not know where he shall deposit his theft, though he steal anything; and that, in their despite, they be so guarded against, that too many of them escape not.

3. This then is what I will: that every man be under 'borh,' both within the 'burhs,' and without the 'burhs;' and let witness be appointed to every 'burh' and to every hundred.

4. To every 'burh,' let there be chosen xxxiii. as witness.

5. To small 'burhs,' and in every hundred, xii.; unless ye desire more.

6. And let every man, with their witness, buy and sell every of the chattels that he may buy or sell, either in a 'burh' or in a wapentake; and let every of them, when he is first chosen as witness, give the oath that he never, neither for money, nor for love, nor for fear, will deny any of those things of which he was witness, nor declare any other thing in witness, save that alone which he saw or heard: and of such sworn men, let there be at every bargain two or three as witness.

7. And he who rides in quest of any cattle, let him declare to his neighbours about what he rides; and when he comes home, let him also declare with whose witness he bought the cattle.

8. But if he, being out on any journey, unintentionally make a bargain, without having declared it when he rode out, let him declare it when he comes home; and if it be live stock, let him, with witness of his township, bring it to the common pasture. If he do not so before five days, let the townsmen declare it to the 'ealdor of the hundred; and let them be exempt from 'wite,' both themselves and their herds-men, and let him forfeit the cattle who brought it thither; because he would not declare it to his neighbours; and let the 'land-rica' take possession of half, and half the hundred.

²¹ *ꝥeꝥýcnerre C.* ²² *~ C.F.* ²³ *ꝥeæððeꝥa F.* ²⁴ *~ F.* ²⁵ *aꝥenum C.*
²⁶ *Lyf C.* ²⁷ *~ F.* ²⁸ *~ C.F.* ²⁹ *~ F.* ³⁰ *Lyf C.* ³¹ *~ F.*
³² *p₁ C.* ³³ *neah-bupum F.*

ix. Líf hit þonne ofær .v. niht unſceýð on ſemænne lære
punað þolige þær ofær ſpa þe ær cƿædon ƿ þara hýrða ælc
þolige þære hýðe. ƿ þær ne .ſý ¹nān ²forſýrner. ³ſerecen þ̅ hi
³ſerecen. ƿ he þeah-hræðere cýþe on hræſ ƿeritnýrre he þ̅
ofr bohte:.

x. Líf he þonne cenð þ̅ he hit mið ƿeritnýrre bohte þara
manna þe to ƿeritnýrre ſenamode ſýnt aðer ofþe on býrſ
ofþe on hundrode ƿ ſe ⁴hundroder ealdr þ̅ ſeacroð þ̅ hit roð
ſ. þolige þeah þær ofær. for ⁵þý þe he hit hſ neah-geburum
cýþan nolde ne hſ hundroder ealdr ƿ næbbe hſ na maran
hearum:.

xi. ⁶Líf he þonne ⁷cænne þ̅ he hit mið ⁸ƿeritnýrre bohte
ƿ þ̅ leaſ bið ſý he þeof ƿ þolige hearðer ƿ ealler þær þe he
⁹āge. ƿ healde ſe land-hlaforð þ̅ ¹⁰forſtolene ofr ƿ þær ofær
ceap-ſýlð ofþæt ſe aſen-ſrſgea þ̅ ſeacſige ƿ mið ƿeritnerre
lum þ̅ ofr ſeahniſe:.

xii. Ðonne pille ic þ̅ ſtande mið Denum ſpa goðe laſa ſpa
¹¹hý betſte geceoren ƿ ic heom ¹²ā ſeſarode ƿ ſeſarian pille
ſpa lanſe ſpa me hſ ſelæſt for eorrum hýldum þe ſe me
ſýmble cýðdon. ƿ þær pſniſe þ̅ ¹³þer ¹⁴ān ¹⁵ðōm on ſpýlceſe
ſmeaſunge ſý ¹⁶ſſ eallon ſemæne to ſebeorſe ƿ to ſrðe
eallum ¹⁷leodſcipe:.

xiii. And ic pille þ̅ tuner-men ƿ heora hýrðar habban þær
¹⁸ýlcan ſmeaſunge on minum cucum ofr ƿ on minra þeſena
eal ſpa hý habbað on heora ¹⁹āſenum. Líf hit þonne min
ſereſa ofþe æniſ oðer man *ſcſe ofþe *unſcſe onſcunað
ƿ unſerýſena ſebýt aðer ofþe tuner-mannum ofþe heora
hýrðon. ceore Dene be laſum hrýlce ſceore hý be þan healðan
pillað:.

xiv. Mið Enſlum ic hæbbe geceoren ƿ mine pſtan hræt ſeo
ſceor beon mæſe ſſ æniſ man ²⁰ānbýrðnýrre beſinð ofþe
mið ealle ofſlýhð æniſne þara þe ſmbe ſar ſmeaſunge bið.
ƿ þ̅ ðýrne ofr amelðað. ofþe þara æniſne þe on roðre ƿerit-
nerre bið ƿ mið hſ roðe þæne ²¹unſcýlðſan ahſet ƿ þæne

* ſcſe ?
* unſcſe ?

¹ F. ² forſýrner C. ³ ſerecan F. ⁴ hundreder F. ⁵ þi C.
⁶ Lſſ C. ⁷ cýnne F. ⁸ ƿeritnerre F. ⁹ F. ¹⁰ forſtolone F.

9. But if it remain above v. days undeclared in the common pasture, let him forfeit the cattle, as we before ordained, and let every of the herdsmen suffer in his hide: and of this let there be no forgiveness, let them seek what they may seek: and, nevertheless, let him declare in whose witness he bought the cattle.

10. If he then declare, that he bought it with the witness of those men who are named as witness, either in 'burh' or in hundred; and the 'ealdor' of the hundred is informed that it is true, let him nevertheless forfeit the cattle; because he would not declare it to his neighbours, nor to the 'ealdor' of his hundred, and let him have no greater harm from it.

11. But if he declare, that he bought it with witness, and that be false; be he the thief, and forfeit his head, and all that he owns: and let the land-lord hold the stolen cattle, and the 'ceap-gild' of the cattle, till that the proprietor is informed of it, and with witness claims the cattle for his own.

12. Then will I, that, with the Danes, such good laws stand as they may best choose, and as I have ever permitted to them, and will permit, so long as life shall last me, for your fidelity which ye have ever shewn me; and this I desire, that this one doom, concerning such inquiry, be common to us all, for security and peace to all the people.

13. And I will, that townsmen and their herdsmen have the same inquiry concerning my live cattle, and that of my thanes, as they have concerning their own. But if my reeve, or any other man, more or less powerful, shun this, and command things unseemly, either to townsmen or their herdsmen, let the Danes chuse, according to their laws, what punishment they will adopt respecting him.

14. With the English, I and my 'witan' have chosen what the punishment shall be, if any man make resistance, or outright slay any one of those who are engaged in this inquiry, and give notice of secreted cattle; or any of those who bear true witness, and with his sooth save the guiltless, and lawfully

11 *hý F.* 12 *˘ C.F.* 13 *þær C.* 14 *˘ C.F.* 15 *˘ F.* 16 *˘ C.F.*
 17 *leobrcýpe C.* 18 *ilcan C.* 19 *˘ F.* 20 *˘ C.F.* 21 *unrcýlbigean F.*

¹ƿcýlbızan ƿihtlice ƿorðeð. Ðonne ƿille ic þ̅ ƿýmble mið eop
gehealðen ƿý þe ge to ƿriðer-bote gecoren hæfdon mið
²micelum ƿiðdome ƿ me ƿƿýðe gecƿemlice. And ³þer eaca ƿý
uƿ eallum gemæne þe on þiƿrum ⁴iglandum ƿunað:-

xv. Ðonne ƿýrðriȝe ⁴Orlāc eopl ƿ ⁵eal hepe þe on ⁶þiƿ
ealðorðdome ƿunað þ̅ þiƿ ƿtande Tiode to lofe ƿ upe ealra
ƿapla to þearfe ƿ eallum folce to ƿriðe. And ƿriȝe man
manega gecƿita be þiƿrum ƿ ƿende ægðer ge to Ælfepe eal-
ðorðmen ge to ⁷Æþelpine ealðorðmen ƿ ⁸hý ⁹gehrider þ̅ þær
ƿæð cuð ƿý ægðer ge eapmum ge eadigum:-

xvi. Ic beo eop ƿƿýðe hold hlaforð þa ¹⁰hpile þe me liƿ
gelæƿt ƿ eop eallum ƿƿýðe bliðe eom ƿor ¹¹þý þe ge ƿƿa
geopne ýmbe ƿrið ƿýndon:-

¹ ƿcýlbızean *F.* ² miclum *F.* ³ þar *C.* ⁴ *C.F.* ⁵ eall *C.* ⁶ hiƿ *F.*

foredo the guilty. Then will I, that ever be observed among you what you had chosen as 'frith-bōt,' with great wisdom, and very agreeably to me. And be this supplement common to us all, who dwell in these islands,

15. Then let Oslac 'eorl,' and all the army dwelling in this 'ealdordom,' further this, that it stand to the glory of God, and to the benefit of the souls of us all; and to the 'frith' of all the people. And let many writings be written concerning these things, and sent both to Ælfere 'ealdorman,' and to Æthelwine 'ealdorman,' and let them [send] in every direction; that this ordinance be known both to poor and rich.

16. I will be to you a very kind lord, the while that my life lasts, and I am exceedingly well disposed towards you all, because ye are so earnest about the 'frith.'

⁷ *Œgelpine C.* ⁸ *hȳ F.* ⁹ *zehpȳðen C.* ¹⁰ *hpȳle C.* ¹¹ *p₁ C.* ¹² *F.*

ÆDELREDES DOOMAS.^a

I.

^b 1ÆDELREDES EYNINGES LERÆDNISSE.

Ðis is ²reo gerædnýr^c þe Æðelred ³cýning ȝ his ȝitan
geræddon eallon folce to funder-bote æt ȝuder-toce on
Wýrcena lande æfter Engla lage:.

BE BORGUM.

1. Ðæt is ⁴þ ælc freaman ȝetneorne borh hæbbe þ̅ re
borh hine to ælcon rihte ȝehealde ⁵ȝif he betȝhtlad ȝurðe.
⁶Țif he þonne tȝht-bȝrig ȝȝ ȝange to ⁷þæm ⁸þrȝfealdan or-
dale. ⁹Țif re hlaforð ȝæcȝe þ̅ him ¹⁰naðor ne ¹¹bȝrte ne
að ne orðal ȝȝþan þ̅ ȝemot ȝæȝ æt Bromdune nime re hla-
forð him tȝegen ¹²ȝetneorne þegenar innan þam hundrede ȝ
ȝreȝian þ̅ him næfre að ne bȝrte ne he þeof-ȝȝld ne ȝulde.
¹³butan he þone ȝerefan hæbbe þe þæȝ ȝȝrðe ȝȝ þe þ̅ don
mæȝe. ¹⁴Țif re að þonne forð-cume ceore re man þonne þe
þær ¹⁵betȝhtlad ȝȝ ȝȝa hreðer ȝȝa he ȝȝlle ȝȝa anfeald orðal
ȝȝa ȝunder ȝurðne að innan þam þȝum hundredan ofer ¹⁶þȝutȝ
¹⁶peningȝa. ¹⁷Țif hȝ^c þone að ȝȝllan ne durȝon ȝange to þam
¹⁸þȝȝfealdan orðale. ¹⁹Țif he þonne ful ȝurðe. æt þam
forȝman cȝrre bete þam teonde tȝȝ-ȝȝlde ȝ þam hlaforðe his
ȝere ȝ ȝette ȝetneorne borȝar þ̅ he ælcer ²⁰ȝȝeleȝ eft ȝerȝice.

¹ no rubrics in *B.* ² þa gerædnýrre *B.* ³ cining *B.* ⁴ *B.* ⁵ ȝȝf
B. ⁶ Țȝf *B.* ⁷ þam *B.* ⁸ þȝȝfealdan *B.* ⁹ Țȝf *B.* ¹⁰ naðer
H. ¹¹ bȝrte *B.* ¹² ȝetneora *B.* ¹³ buton *B.* ¹⁴ Țȝf *B.*

^a [Ethelred, son of Edgar, succeeded to the throne, on the murder of his brother Edward, in the year 978, and died in 1016.—*T.*]

^b [The text is from a collation of mss. *B.* and *H.*—*T.*]

^c The election allowed the offender seems to have been between the oath of a pound and the ordeal, and not the choosing his own compurgators from the three adjacent hundreds. The phrase ‘above thirty pence’ indicates, apparently, the amount of the property at

THE LAWS OF KING ETHELRED.^a

I.

ᵇ KING ETHELRED'S ORDINANCE.

This is the ordinance which King Ethelred and his 'witan' ordained as 'frith-bōt' for the whole nation, at Woodstock, in the land of the Mercians, according to the law of the English.

OF 'BORHS.'

1. That is, that every freeman have a true 'borh,' that the 'borh' may present him to every justice, if he should be accused. But if he be 'tyht-bysig,' let him go to the threefold ordeal. If his lord say that he has failed neither in oath nor ordeal since the 'gemōt' was at 'Bromdun;' let the lord take with him two true thanes within the hundred, and swear that never had oath failed him, nor had he paid 'theof-gyld;' unless he have the reeve who is competent to do that. If then the oath succeed, let the man then who is there accused choose whichever he will; either single ordeal, or a pound-worth oath, within the three hundreds, for above 'thirty pence. If they dare not take the oath, let him go to the triple ordeal. If he then be guilty; at the first time, let him make 'bōt' to the accuser twofold; and to the lord, his 'wēr;' and iet him give true 'borhs' that he will hereafter abstain from every evil.

¹⁵ becyhtles *H.* ¹⁶ penega *B.* ¹⁷ Lȳf hi *B.* ¹⁸ þpīfealdan *B.*
¹⁹ Lȳf *B.* ²⁰ ȳfel *B.*

suit, for in Edward, c. 1., we have a form prescribed for the 'cýpe-að' in a suit of the value of an ox or thirty pence, and in Alfred and Guthrum a rule to be observed, where the suit was above three mancuses. By the old Danish Law, in all cases where the 'næfnd' or 'cýpe-að' was allowed, the accused had a similar election granted to him; for if he doubted whether the persons chosen would swear him free of the charge, or if any of them refused to swear with him, he might reject their interference, and go to the ordeal.

And æt þam oðran cýrre ne rý þær nan oðer bot ¹butan þ ²hearod. ³Liƿ he þonne ut-hleape ƿ þ orðal forbuze gilde ƿe bopþ þam teonde hƿ ceap-gýlb ƿ þam hlaforde hƿ ƿere þe hƿ ƿiter ƿýrðe ƿ. And gýf mon þone hlaforð teo þ he be hƿ ⁴ræde ⁵ut-hleope ƿ ær unriht ƿorhte nime him ƿif þegnar to ƿ beo him rýlf ⁶rýxta ƿ ladie hine þær. And ⁷gýf ƿeo ⁸lað forð-cume beo he ⁹þær ƿerer ¹⁰ƿýrðe. And ¹¹heo forð ne cume ƿo ƿe ¹²cýning to þam ƿere ƿ beo ƿe þeof utlah ƿið ¹³eall folc. And hæbbe ælc hlaforð hƿ hƿeð-men on hƿ aƿenon borze. ¹⁴Liƿ he þonne ¹⁵betýhtlað ƿurðe ƿ he ut-oðhleape gýlde ƿe hlaforð þær manner ƿere þam ¹⁶cýninge. And ¹⁷gýf mon þone hlaforð teo þ he be hƿ ræde ¹⁸ut-hleope ladie hine mið ƿif þegnum ƿ beo him rýlf rýxta. ¹⁹Liƿ him ƿeo lað býrre gilde þam cýnge hƿ ƿere ƿ ²⁰rý ƿe man ²¹utlah:.

And beo ƿe cýng ²²ælcer ²³þæra ƿita ƿýrðe þe þa men ²⁴ƿepýrcen þe boc-land ²⁵hæbben. ƿ ne bete nan man for nanre ²⁶týhtlan buton hit rý þær cýnger ƿereþan ²⁷ƿerit-nerre:.

BE ðEOPMEN ðE FUL ƿYRÐE.

II. ²⁸And ²⁹gýf þeopman ³⁰fúl ³¹ƿýrðe æt þam orðale mearcie man hine æt þam forþman cýrre ƿ æt þam oðran cýrre ne rý þær nan ³²oðer bot buton þ hearod:.

BE ðON ðE MON NE LEAFIÐ BUTON LEPTNESSE.

III. And þ nan man ne ³³ðo naðor ne ne ³⁴býcge ne ne ³⁵hpýrre buton he bopþ hæbbe ƿ ³⁶ƿeritnerre. ³⁷gýf hit þonne hƿa' do ƿo ƿe land-hlaforð to ƿ healde þ ³⁸or ƿþæt mon ƿite hƿa hit ³⁹æge mið rihte:.

BE ðÆM MEN ðE EALLUM FOLLE UNLETRYPE SI.

IV. And ³⁹gýf hpýlc man rý þe eallon folce ungetrýpe rý ƿare þær cýnger ƿereþa to ƿ ƿebunze hine under borze þ

1 buton *B.* 2 hlaforð *H.* 3 Liƿ *B.* 4 hræde *B.* 5 ut-hleope *H.*
 6 rýxta *B.* 7 gýf *B.* 8 þer *B.* 9 ƿurðe *H.* 10 gýf *B.* 11 ~ *B.*
 12 cýng *B.* 13 eal *B.* 14 Liƿ *B.* 15 betýhtleð *H.* 16 cýnge *B.*
 17 gýf *B.* 18 ut-leope *B.* 19 Liƿ *B.* 20 ƿ *B.* 21 ~ *H.* 22 ælc *H.*
 23 ƿara *B.* 24 ƿepýrcen *B.* 25 habban *H.* 26 tihelan *B.* 27 ƿerit-
 nýrre *B.* 28 not in *B.* 29 gýf *B.* 30 ~ *H.* 31 ƿurðe *B.H.* 32 not

And at the second time, let there be no other 'bōt' than the head. But if he run away, and avoid the ordeal; let the 'borh' pay to the accuser his 'ceap-gild,' and to the lord his 'wēr,' who is entitled to his 'wite.' And if any one accuse the lord, that he ran away by his counsel, and had previously acted unlawfully; let him take to him five thanes, and be himself the sixth, and clear himself thereof. And if the ^apurgation succeed, let him be entitled to the 'wēr.' And if it do not succeed, let the king take the 'wēr,' and let the thief be an outlaw to all people. And let every lord have his household in his own 'borh.' If then any one of them should be accused and run away, let the lord pay the man's 'wēr' to the king. And if any one accuse the lord, that he ran away by his counsel; let him clear himself with five thanes, and be himself the sixth. If the purgation fail him, let him pay to the king his 'wēr,' and let the man be an outlaw.

And let the king be entitled to every of the 'wites' that those men incur who have 'boc-land:' and let no man make 'bōt' for any accusation, except it be with the witness of the king's reeve.

OF A 'THEOWMAN' WHO IS GUILTY.

2. And if a 'theowman' be guilty at the ordeal, let him be branded the first time; and the second time, let there be no 'bōt' except the head.

IN CASE ANY ONE TRAFFIC WITHOUT WITNESS.

3. And let no man either buy or exchange, unless he have 'borh' and witness: but if any one so do, let the land-lord take possession of, and hold the property, till that it be known who rightfully owns it.

OF THE MAN WHO IS UNTRUE TO ALL THE PEOPLE.

4. And if there be any man who is untrue to all the people, let the king's reeve go and bring him under 'borh,' that he

in B. ³³ *~ B.H.* ³⁴ *býzze B.* ³⁵ *hþrþe H.* ³⁶ *geþicnyþe B.* ³⁷ *ȝ zýf lut hþā B.* ³⁸ *~ B.* ³⁹ *zýf B.*

^a The legal purgation. In A. S. 'hlaðan' had a twofold and very opposite import, 'onerare—haurire:' hence, 'lab,' *onus, purgatio.*

hine man ¹to rihte ²gelæde þam þe him ³onryræcon. ⁴Līf
 he þonne boþh næbbe rlea ⁵mon hine ⁶ý on ^aful lecge. And
⁷gīf hƿā' hine ⁸forenne forrānde beon ⁹hý begen aneƿ rihteƿ
 ƿýrðe. And seþe ¹⁰þīf forrātte' ƿ hit geforðian nýlle ƿƿa une
 ealra cƿide iƿ rýlle þam cýnge ¹¹.cxx. rēiſt.:

II.

^b Ðīf rýnd þa rƿið-mal ƿ þa forƿorð þe Æðelneð cýng ƿ
 ealle hīf ƿitan rīð þone hepe gedon habbað þe ^cAnlaf ƿ
 Juſtin ƿ Guðmund Stegitan runu mid ƿæron.:

1. Ðæt æroſt. þ ƿorolb-rƿið rānde betreox Æðelrede
 cýnge ƿ eallum hīf leodƿice ƿ eallum þam hepe þe se cýng
 þ ƿeoh ƿealde. ærter þam formlan þe ðigeric aƿcebyrcop ƿ
 Æðelƿeard ealðorman ƿ Ælfƿic ealðorman ƿorhton. þa hý
 abædon æt þam cýnge þ hý moſtan þam læppan rƿið ge-
 biſgean þe hý under cýngceſ hand ofeſhæfðon. And gīf
 ænig rƿic-hepe on Engla-lande heſgie þ ƿe habban heora
 ealra fulcum ƿ ƿe him rculon mete rindan þa hƿile þe hý mid
 uƿ beoð. And ælc þæra landa þe ænigne rƿiðige þæra þe
 Ængla-land heſgie beo hit utlah rīð uƿ ƿ rīð ealne hepe.:

BE LEAP-SLYPUM.

II. And ælc ceap-rƿic rƿið hæbbe þe binnan muðan cuman
 þeh hit unƿið rƿýp rý. gýf hit undriƿen bið. And þeh hit

1' *H.* 2' *B.* 3 onryræcon *B.* 4 Līf *B.* 5 man *B.* 6' ƿ hine
 11 hunb-

^a The reading of this passage, as republished by Cnut, is 'on fulan
 lecge,' which is rendered in the old Latin version, 'et in loco latronum
 sepeliatur.' This transition from one form of declension to the other,
 'fūla—fūl,' is common in A.S.

^b [The text is from ms. *B.* The rubrics are from Lambarde.
 —*T.*]

^c [The Anlaf (Aulaf) or Unlaf, with whom the above articles were
 concluded, was the celebrated Norwegian king Olaf Tryggvason, con-
 cerning whose expedition to England and subsequent baptism, see the
 Saxon Chron. and Florence of Worcester, a^o 993. In his Saga also

may be led to justice, to those who accused him. But if he have no 'borh,' let him be slain, and ^a be laid in the 'ful.' And if any one stand up for him, let them both be worthy of one law. And whoever neglects this, and will not further it, as is the decree of us all, let him pay to the king cxx. shillings.

II.

^b These are the articles of peace and the agreements, which king Ethelred and all his 'witan' have made with the army that ^c Anlaf, and Justin, and Guthmund, Stegita's son, were with.

1. That first: that secular 'frith' stand between king Ethelred and all his people, and all the army to which the king gave the money, according to the treaty which Sigeric archbishop, and Æthelweard 'ealdorman,' and Ælfric 'ealdorman,' made; when they obtained of the king that they might buy 'frith' for those districts which they, under the king's hand, ruled over. And if any naval armament commit ravages in England, that we shall have the aid of them all; and that we shall find meat for them, while they shall be with us. And that every of those lands which keep the 'frith' towards any one of those who ravage England, be outlaw to us and to the whole army.

OF MERCHANT-SHIPS.

2. And let every merchant-ship have 'frith,' that comes within port, though it be a hostile ship, if it be not driven.

on *B.* 7' gýf *B.* 8 forne *B.* 9 hi *B.* 10' þýr forþýtte *H.*
 tpeþtæg *B.*

it is said—'þā var Olafr Tryggvason hálf þrítögr er hann var skírðr. þā voro liðin frá holdgan vārs herra Jesū Krists 993 ár.—Olaf Tryggvason was twenty-five years when he was baptised: there were then elapsed from the incarnation of our Lord Jesus Christ 993 years.' Justin (Jósteinn) was apparently the maternal uncle of Olaf. See 'Saga Olafs Konungs Tryggvasonar,' vol. i. p. 147-8 and p. 186. See also his Saga in Snorre, and the metrical fragment on the battle of Malden in the 'Analecta Anglo-Saxonica' (Pref. p. vii. and p. 121.), first published by Hearne at the end of Joh. Glaston. Chron., from a Cottonian manuscript no longer in existence.—*T.*]

gedriuen beo 7 hit ætfeleo to hƿilece fƿið-býrig 7 þa menn
up-ætberftan into þære býrig. þonne habban þa men fƿið 7
þ hý him mid-býrigað:.

BE DÆS LYNINLES FRYÐ-MANNUM.

iii. And ælc aƷenra fƿið-manna fƿið hæbbe. ge on lande
ge on ƿætere. ge binnan muðan ge butan. Gýf Æðelfeðer
cýnƷer fƿið-man cume on unfƿið land 7 je here þær-to cume
hæbbe fƿið hƿ Ʒcƿ 7 ealle hƿ æhta. Gýf he hƿ Ʒcƿ uppe
Ʒetogen hæbbe. oþþon hule Ʒeƿorhtne. oþþon Ʒeteld ƷeƷlagen.
þ he þær fƿið hæbbe 7 ealle hƿ æhta. Gýf he hƿ æhta
bere Ʒeman þara unfƿið-manna æhta into hure þolie hƿ
æhta 7 hæbbe Ʒýlf fƿið 7 feorh Ʒif he hine cýfe. Gýf je
fƿið-man fleo oþþon feohte 7 nelle hine cýfan Ʒif hine man
offlea licge unƷýlde:.

BE ÐON ÐE MON ON SLIPE BEREAFOD SY.

iv. Gýf man beo æt hƿ æhtan bereafod 7 he ƿite of
hƿilcum Ʒcipe. aƷýfe Ʒteorfe-man þa æhta oþþon Ʒange feorpa
rum to 7 oðƷace 7 beo him Ʒýlf ƿifta. þ he hit aƿiht name
Ʒpa hit ær Ʒeƿorƿorð ƿær:.

BE MÆN-SLELE.

v. Gif ÆnƷlyc man Denýcne offlea. fƿirƷman fƿirƷne. Ʒýlde
hine mid .xxx. pundum oþþon mon þone hand-dæðan aƷýfe.
7 do je Denýca þone ÆnƷlycan eal Ʒpa Ʒif [he] hine offlea.
Gýf ÆnƷlyc man Denýcne þræl offlea Ʒýlde hine mid punde
7 je Denýca ÆnƷlycne eal Ʒpa Ʒif he hine offlea. Gýf
eahta men beon offlagene þonne iƷ þ fƿið-brec. binnan býrig
oþþon buton. Binnan eahta mannum bete man þ fullum
pepe:.

BE FRID-BRELE BINNAN BYRIL.

vi. Gýf hit binnan býrig Ʒedon bið Ʒeo fƿið-brec Ʒape
Ʒeo buƿuhƷaru Ʒýlf to 7 beƷýte þa banan 'cuce oþþe deaðe'
heora nýhƷtan maƷar heafod ƿið heafde. Gýf hý nellan Ʒape
je ealðorman to. Ʒif he nelle Ʒape je cýnung to. Ʒif he nelle
licge je ealðorðóm on unfƿiðe:.

And though it be driven, and it flee to any 'frith-burh,' and the men escape into the 'burh,' then let the men, and what they bring with them, have 'frith.'

OF THE KING'S 'FRITH'-MEN.

3. And let every of our own 'frith'-men have 'frith,' both by land and by water, both within port and without. If king Ethelred's 'frith'-man come into 'unfrith' land, and the army come thereto; let his ship and all his property have 'frith.' If he have drawn up his ship, or made a hut, or pitched a tent; let him and all his property have 'frith.' If he bear his property into a house, in common with the property of 'unfrith'-men, let him forfeit his property, but himself have 'frith' and life, if he make himself known. If the 'frith'-man flee or fight, and will not make himself known; if he be slain, let him lie uncompensated.

IN CASE ANY ONE BE ROBBED IN A SHIP.

4. If any man be robbed of his property, and he knows by what ship, let the steersman give up the property; or let him go, with four others, and be the fifth himself, and make denial, and [declare] that he took it lawfully, as it was before agreed.

OF HOMICIDE.

5. If an Englishman slay a Dane, a freeman a freeman, let him pay for him with xxx. pounds, or let the perpetrator be delivered up; and let the Dane do the same by an Englishman, if he slay him. If an Englishman slay a Danish thrall, let him pay for him with a pound; and so a Dane, in like manner, by an Englishman, if he slay him. If eight men be slain, that then is 'frith'-breach, within a 'burh' or without. Under eight men, let 'bōt' be made with the full 'wēr.'

OF 'FRITH'-BREACH WITHIN A 'BURH.'

6. If the 'frith'-breach be committed within a 'burh,' let the inhabitants of the 'burh' themselves go, and get the murderers, living or dead, [or] their nearest kindred, head for head. If they will not, let the 'ealdorman' go; if he will not, let the king go; if he will not, let the 'ealdordom' lie in 'unfrith.'

Æt eallum rlyht 7 æt ealne þære hergunge 7 æt eallum þam hearmum þe ær þam gedon þære ær þ̅ r̅r̅ið̅ 7eret þære man eall onpreiz læte 7 nan man þ̅ ne præce ne bote ne biðde. And þ̅ naðor ne h̅y ne pe ne underfon oðres þealh ne oðres þeof ne oðres gefān:.

BE LANDES-MANNES TYRTE.

vii. And 7if man recge on landes-mann þ̅ he orf r̅tæle oþfon man r̅loge 7 hit recge an r̅ceið̅-man 7 an landes-man þonne ne beo he naner andræces r̅yrðe. And 7if heora menn r̅lean ure æhta þonne beoð h̅y utlage 7e rið̅ h̅y 7e rið̅ ur 7 ne beo nanre bote reorðe. Tra 7 t̅rentiz̅ þurenð̅ punda golðes 7 reolres mon 7erealde þam heres of Ængla-lande rið̅ r̅riðe:.

BE DON DE MAN LEFÓ DE DIM LOSOD ÞÆS.

viii. L̅yf̅ h̅pa befo þ̅ him loƿoð̅ þær cenne reþe he hit ^a 1æt-befo h̅panon hit him come. r̅ylle on hand 7 r̅ette boþh þ̅ he þr̅unge h̅r̅ 7eteaman in þær hit ber̅recen bið̅. L̅if̅ he h̅uend̅re handa team 7ecenne 7 r̅y on oðre r̅c̅ire reþe he to-t̅ymð̅ hæbbe r̅pa langne r̅yr̅r̅t̅ r̅pa þær-to 7eb̅yr̅ge. Sette on þa hand þe hit him realde 7 biðde þ̅ he clænre 7if he mæge. L̅if̅ he ^b 2to-fehð̅ þonne clæn̅noð̅ he þene þe hit ær æt-befangen þær. Lenne he r̅yþ̅þan h̅panon hit him come. L̅if̅ he cenne of̅er̅ .i. r̅c̅ira hæbbe .i. pucena r̅yr̅r̅t̅. 7if he cenne of̅er̅ .ii. r̅c̅ira hæbbe .ii. pucena r̅yr̅r̅t̅. 7̅yf̅ he cenne of̅er̅ .iii. r̅c̅ira hæbbe .iii. pucena r̅yr̅r̅t̅. Of̅or̅ eall̅ra r̅ela r̅c̅ira r̅pa he cenne. hæbbe r̅pa r̅ela r̅yc̅ena r̅yr̅r̅t̅. And cume man æure þær hit æroƿt̅ befangen beo:.

BE TEAMUM.

ix. Dr̅ilon r̅toð̅ þ̅ man r̅ceolde þ̅r̅ýpa t̅ýman þær hit æreƿt̅ befangen þære 7 r̅yþ̅þan r̅yl̅gean teame r̅pa h̅r̅ær̅ r̅pa man

¹ ær- ms.

^a The ms. reads 'ær befo;' an obvious mistake.

^b The ms. reads 'to-ƿeoh̅t̅.' The present reading has been adopted

Let every slaying, and every harrying, and every injury, that was committed before the 'frith' was established, be disregarded; and let no man avenge them or ask for 'bōt.' And that neither they nor we harbour the other's 'Wealh,' nor the other's thief, nor the other's foe.

OF ACCUSING A LANDSMAN.

7. And if it be said of a landsman that he has stolen cattle, or slain a man; and one shipman and one landsman say it; then let him not be entitled to any denial. And if their men slay our property, then shall they be outlaws, both to them and to us; and let them not be entitled to make any 'bōt.' Twenty-two thousand pounds of gold and silver were given to the army in England for the 'frith.'

IN CASE ANY ONE ATTACH THAT WHICH HE HAD LOST.

8. If any one attach that which he had lost, let him with whom he attaches it declare whence it came to him; let him deliver it back, and appoint a 'borh' that he will produce his warrantor at the place where it is claimed. If he vouch to warranty a living person, and he whom he vouches be in another shire; let him have as long a term as is requisite thereto. Let him deliver it up to the party who sold it to him, and desire that he clear, if he can. If he accept, he then clears him with whom it was first attached. Let him afterwards declare whence it came to him. If he declare over i. shire, let him have a term of i. week: if he declare over ii. shires, let him have a term of ii. weeks: if he declare over iii. shires, let him have a term of iii. weeks. Over as many shires as he declares, let him have a term of as many weeks. And let the parties always come to the place where it was first attached.

OF VOUCHINGS TO WARRANTY.

9. Formerly it stood, that everybody should vouch to warranty thrice where it was first attached, and afterwards should

² to-ƿeoht *ms.*

at the suggestion of a learned friend. [Dr. Schmid has also adopted 'to-ƿehð. — T.]

to-cende. Ða ƷeƷæddan Ʒitan ꝥ hit betere Ʒære ꝥ man æure tȳmde þær hit æreƷt beƷanƷen Ʒære. ƷƷa longe ꝥ man ƷiƷte hƷær hit ætƷtandan Ʒolde. Ðȳ læƷ þe mon unmihtigne man to feor ȳ to lange Ʒor hiƷ aƷenan ƷƷencte. ÐƷunce maƷe Ʒeþe unƷiht ƷeƷtƷeon on hiƷ handa Ʒtode ȳ læƷƷe Ʒeþe þær aƷiht onƷƷræce. ƷaƷuƷe eac hine Ʒeþe hiƷ aƷen beƷoð [þ] he to ælcen teame hæbbe ƷetƷrȳƷne boƷh ȳ beoƷƷe ꝥ he aƷoh ne beƷo. þȳ læƷ þe hine mon ƷƷence ƷƷa he oðerne man þohƷe. Grȳf hƷa to deaðan tȳme. buton he ȳƷue-noman hæbbe þe hit clænƷie. ƷeƷƷutehe mið ƷeƷitnȳƷƷe ƷiƷ he mæƷe ꝥ he Ʒiht cenne Ʒeþe hit tȳme ȳ clænƷiƷe hine Ʒȳlfne mið þam. Ðonne bið Ʒe deaða beƷmiƷen buton he ƷƷinð hæbbe þe hine mið Ʒihte clænƷnian ƷƷa he Ʒȳlf Ʒcolde ƷiƷ he mehte oþþe liueƷ Ʒære. Grif he þonne * þære ƷƷeonda' hæƷð þe ꝥ don duƷƷion þonne beƷƷt Ʒe team ƷƷa Ʒel ƷƷa he liueƷ Ʒære ȳ Ʒȳlf andƷræc ƷoƷhte. Ʒtent þonne þeof-Ʒeȳldig Ʒeþe hit on handa hæƷð. ƷoƷþam a bið ¹andƷræc ƷƷiðere þonne onƷaƷu. Eac betƷeox teame ƷiƷ hƷa to-Ʒehð ȳ na ƷƷiðoƷ team ne cenð ac aƷnian Ʒile. ne mæƷ mon þær ƷȳƷnan ƷiƷ ƷetƷrȳƷe ƷeƷitneƷ hiƷ to aƷenunƷe Ʒȳmð ƷoƷþam aƷnunƷ bið neƷ þam þe hæƷð þonne þam þe æƷteƷ-ƷƷƷeðð.

* þa ƷƷinð?

¹ andƷræc *ms.*

follow the warranty wherever it might be vouched. The 'witan' then decreed, that it were better the warranty should always be made where it was first attached, until it could be known where it would stop; lest any one should cause a man of feeble means to toil too far and too long for his own. Let him toil the more, in whose hands lay the unjust gain, and less him who lawfully claims it. Let him also be cautious who attaches his own, that, at every avowry, he have a true 'borh,' and let him take care that he attach not wrongfully; lest any one annoy him as he thought to annoy another man. If any one vouch his warranty to a dead man, (unless he have heirs who will clear it;) let him who vouches it show by witness, if he can, that he justly makes declaration; and thereby let him clear himself. Then will the dead be stigmatized, unless he have friends who will legally clear him, as he himself should, if he might, or were alive. If then he have those friends, who dare do so, then will the warranty fail, as well as if he were alive, and made legal denial himself. Then will he be held guilty of theft, who had it in his possession; for denial is always stronger than affirmation. Likewise during the vouching to warranty; if any one accept, and make no further avowry, but will possess it, this may not be refused, if true witness make way for him to possession; because possession is always nearer to him who has than to him who claims.

III.

^a Ðiſ ȝýndon þa laza þe Æðelſeð cýng ȝ hiſ ȝitan ȝeſæðð
habbað æt ȝānetingc to ȝriðeſ-bōte:

i. Ðæt iſ. þ̅ hiſ ȝrið ȝtande ȝpa ȝorð ȝpa hiſ ȝýmmeſc
ȝeðð on hiſ ýlðſena ðaȝum. þ̅ þ̅ ȝý bōt-leāſ þ̅ he mið hiſ
aȝenſe hānð ȝýlð. ȝ þ̅ ȝrið þ̅ ȝe ealðoſmann ȝ kingeſ ȝeſeſa
on ^bȝiſ buſhȝa ¹ȝeſiſncðe ȝýlle bete man þ̅ mið c. xii. hund.
ȝ þ̅ ȝrið þ̅ man ȝýlleð on ²buſh-ȝeſiſncðe bete man þ̅ mið
.vi. hundſi. ȝ ³þ̅ man ȝýlle on ȝeſeſtāke bete man þ̅ mið
hundſi. ȝiſ hiſc man bſeðð. ȝ þ̅ man ȝýlle on ⁴eāla-huſe bete
man þ̅ æt deaðum menn mið .vi. healf-maſce. ȝ æt cſiſcon
mið .xii. óſan:

ii. And þ̅ þ̅ man cýðe mið ȝeſiſneſſe þ̅ nan man þ̅ ne
aſende æt cſiſcon þe ma þe æt deaðon. And ȝange ælc man
þ̅æſ to ȝeſiſneſſe þe he ðuſſe on þam haliȝðóme. ȝſeſian þe
him man on hand ȝýlð:

iii. And ¹lānð-cōp ȝ ¹hlaſoſðeſ ȝiſu. þe he on ȝuht aȝe

¹ ȝeſiſncða ms. ² buſhȝa

^a [The text is from *H.—T.*]

^b The usual import of 'ȝeſiſncð' or 'ȝeſiſncð' is 'dignity' or 'honour,' and if the term were confined to the five-burghs, we might perhaps translate it 'the honour of the five-burghs.' But taken in conjunction with what follows, and the persons who bestow the 'ȝrið,' the better inference seems to be, that it means the court of the five-burghs, and that it is used in the sense of the old German 'Gedinge':—'In publico placito quod *Gedinge* vocatur, curiam in Lautenberg resignaverunt.' Dip. i. an. 1253. 'Dat men in den boeme voor dat Steenhuys houden sal drie *Gadinghe* os iaers: That three Gadinghe shall be held during the year at the tree before the stone-house.' *Hali., voc. Gedinge.*

^c The laws ascribed to the Confessor give the following illustration of this wite and its application:—'Pax data manu Regis, et octo dierum quibus primum coronatus est, et pax prædictorum festorum, et pax per breve Regis, unum habent modum emendationis, et hoc iudicio quod majus habetur in scyra ubi pax fracta fuerit; verbi gratia in Danelaga per xviii. hundreda, qui numerus complet septies viginti libras et quatuor, quoniam forisfacturam hundredi Dani, Norwegienses viii. lib. habebant. Multiplicatis igitur octo per octodecem, faciunt centum et quadraginta quatuor. Et hoc non sine

III.

^a These are the laws which king Ethelred and his 'witan' have decreed at Wantage, as 'frith-bōt.'

1. That is: that his 'grith' stand henceforth as it originally stood in the days of his forefathers: that that be 'bōt'-less which he shall give with his own hand; and for the 'grith' which the 'ealdorman' and king's reeve, in the assembly of the ^b five-burghs, give, let 'bōt' be made with ^c XII. hundred; and for the 'grith' which is given in a 'burh'-assembly, let 'bōt' be made with VI. hundred; and for that which is given in a wapentake, let 'bōt' be made with a hundred, if it be broken; and for that which is given in an ^d alehouse, let 'bōt' be made, for a dead man, with VI. half marks, and for a living one with XII. ores.

2. And that that which is declared with witness, no man pervert, either respecting the living or the dead. And let every one go to the witness of that which he dare swear, on the relic that is given into his hand.

3. And that ^e 'land-cop,' and ^f 'hlaford's gifu,' which he has

þinðe *ms.*

³ þær *ms.*

causa: De istis enim octo libris Rex habebat centum solidos, et consul comitatus quinquaginta, qui tertium habebat denarium de forisfactoris. Decanus autem episcopi in cujus decanatu pax fracta fuerat reliquos decem.'

^d Wilkins, in his notes to the Custumal of Hen. I., cites the following authorities in illustration of this custom:—'Diem noctemque continuare potando nulli probrum. Crebræ ut inter vinolentos rixæ, raro convitiis sæpius cæde et vulneribus transiguntur. Sed et de reconciliandis invicem inimicis et jungendis affinitatibus, et adsciscendis principibus, de pace denique et bello plerumque in conviviis consultant, tanquam nullo magis tempore aut ad simplices cogitationes pateat animus aut ad magnas incalescat.' *Tac. de Mor. Germanorum*. 'The Germans still use to conclude of bargains, and ratify friendship between parties, by drinking together, as appears by that phrase they have,—den Frieden trincken—pacem bibere.' *A Discourse concerning the Lord's Supper, by R.C.*

^e It may seem superfluous to remark, that among all the Germanic tribes every transfer of real property was made in a court of justice.

^f What in later times has been called 'infeudation.' 'Ænð ƿe man þe ærpleo fram hƿ hlāƿorbe . . . polƿe ealler þær þe he āge anð

to ȝifanne. ⁊ ^alah-cōp ⁊ ^brit-ƿorð ⁊ ȝeƿitneſ. ꝥ ꝥ ȝtande ꝥ
 hit nan man ne aƿēnde. ⁊ ꝥ man habbe ȝemōt on ælcum
 ƿæpentake. ⁊ ȝān ūt þa ŷlbercan .xii. þegnar ⁊ ȝe ȝeſeƿa mid
 ⁊ ȝƿeƿian on þam halȝdome þe heom man on hand ȝŷlle. ꝥ
 hiȝ nellan nænne ȝaclearan man ^cƿorȝecȝean ne nænne ȝacne
 ƿorhēlan. ⁊ niman þonne þa tihht-bȝȝrian men. þe mid þam
 ȝeſeƿan [ȝace] habbað. ⁊ heora ælc ȝŷlle .vi. healf-maȝc ƿeðð.
 healf land-ȝūcan ⁊ healf ƿæpentake. ⁊ ælc bieȝe him laȝe
 mid .xii. ōran. healf land-ȝūcan healf ƿæpentake. ⁊ ælc tihht-
 bȝȝriȝ man ȝange to þȝȝfealðan oȝdale oþþe ȝulde ƿeoƿeȝ-
 ȝulde:.

iv. Hīȝ ȝe hlāƿorð þonne hine laðian ȝŷlle mid tȝam ȝodum
 þegenum. ꝥ he næȝſe þeoƿ-ȝulð ne ȝulde riþþan ꝥ ȝemōt ƿeȝ
 on Bȝōmdune ne he be tih[ht]lōð næȝe. ȝange to anfealðum
 oȝdale oþþe ȝulde .iiii.-ȝŷlde. Hīȝ he þonne ȝul beo. ȝlea man
 hine ꝥ him ƿorberȝte ȝe ȝƿeoȝa. ⁊ ȝiȝ he ꝥ oȝdal ƿorbuȝe
 ȝulde anȝŷlde þam aȝenan ȝȝian. ⁊ land-ȝūcan .xx. ōran. ⁊ ȝā
 eȝt to þam oȝdale. And ȝiȝ ȝe āȝena-ȝȝȝea nelle ꝥ oȝdal
 ȝeȝecean ȝulde .xx. oȝan ⁊ ȝȝ hiȝ ȝƿæce ƿoȝlōȝen. ⁊ he þeah
 ȝange þam land-ȝūcan to oȝdale oþþe aȝiȝe tȝȝȝ-ȝulde:.

hiȝ āȝeneȝ ƿeoƿeȝ anb ið ȝe hlāƿorð to þam æhtan anb to hiȝ lanðe
 þe he him æȝ ȝealðe.' *Cnut*, c. 75. 'And the man who shall flee
 from his lord . . . let him lose all he possesses, and his own life;
 and let the lord seize his possessions and his land which he previously
 gave him.'

^a The books interpret this term, 'redemptio privilegiorum quæ
 per utlagationem fuerint amissa.' This exposition seems confirmed
 by the circumstance of tihht-bysig men and moneyers being the only
 persons spoken of as buying their law. In the old Danish Law it is
 said:—'Item hwilcken man som uthfar aff stadhen meth huozfrue
 och gotz, oc kommer ey in i stadhen igen innen dagh oc aar at boo,
 han miste bylagh oc byræt oc bör at köbe sigh thet igen a ny.'
Christopher of Bavaria's Copenhagen Law, v. § 33. 'Whoever goes
 away from the town with his wife and goods, and does not return
 to dwell therein within a year and a day, has forfeited his town law
 and town-right, and must buy it to himself again.' In the old
 Sleswic Law the term itself is found:—'Sciendum est autem quod
 rex habet quoddam speciale debitum in Slæswick quod dicitur
 Læghköp, quo redimitur ibi hereditas morientium, non tamen om-
 nium sed quorundam, quia nulli viri (*non*) uxorati emunt illam im-
 munitatem, et tantummodo cives uxorati et omnes hospites de ducatu
 Saxonie, de Frysia, de Hyslandia, de Burgundeholm, et aliunde.
 Hujusmodi hospites nisi redemerint hereditatem suam predicto precio

rightfully to give, and ^a ‘lah-cop,’ and ^b ‘wit-word,’ and witness, stand so that no man pervert them: and that a ‘gemōt’ be held in every wapentake; and the XII. senior thanes go out, and the reeve with them, and swear on the relic that is given to them in hand, that they will ‘accuse no innocent man, nor conceal any guilty one: and let them then take the ‘tiht-bysig’ men who have to do with the reeve, and let each of them give a ‘wed’ of VI. half marks, half to the ‘land-rica,’ and half to the wapentake; and let every one buy himself law with XII. ores, half to the ‘land-rica,’ half to the wapentake; and let every ‘tiht-bysig’ man go to the threefold ordeal, or pay fourfold.

4. But if the lord be willing to clear him with two good thanes, that he had never paid ‘theof-gild’ since the ‘gemōt’ was at ‘Bromdun,’ nor had he been accused; let him go to the single ordeal, or pay threefold. If he then be foul, let him be smitten, so that his neck break; and if he avoid the ordeal, let him pay an ‘angylde’ to the proprietor, and to the ‘land-rica’ xx. ores, and go afterwards to the ordeal. And if the proprietor will not attend the ordeal, let him pay xx. ores, and let his suit be lost; and let him, nevertheless, go to the ordeal, before the ‘land-rica,’ or pay twofold.

vel debito, quod est Lagh-köp, dum libram viri tenere possunt, regem habebunt heredem. Nullius defuncti substantia ponenda est sub fidejussione per annum et diem, nisi illius tantum qui emerat lagh, et quamvis possessor in vita sua emerat lagh, tamen non inventis heredibus infra diem et annum, portio ejus erit regis.’ c. 29.

^b In the old Swedish Law the term ‘wits ord’ had a twofold meaning: 1. ‘Facultas probandi (æga wits ord)—fidem et jus probandi habere.’ ‘Dela twe um ett märke, hawa både ett märke ok annær hawer bolsmærke, gifs tha thöm wald ok witsordh, sit at wærja, sum bolsmærke hawer.’ *Wesm. L. B. B.* c. 64. ‘Si de signolis orta fuerit, eodemque signo bini usi fuerint, sed alter eorum signo fundo adhærente; melior hujus conditio sit isque jus habeat rem suam vindicandi.’ *Ihre, in voce* Bomaerke. 2. ‘Notat tesseram quæ data fidem faciet.’ ‘Jöns Westgöthe hade i sina hosor ett stycke pergament, som honom witesbyrd och witsord wara skulle.’ ‘Joannes Westrogotus in femoralibus habuit particulam chartæ pergamænæ, quæ ipsi pro tessera esset.’ *Ihre, in voce*. The ‘witesbyrd och witsord’ of this last extract correspond, in an etymological sense, to the ‘wīt-worþ’ and ‘wēpītner’ of the text; but as there were cases where the testimony of witnesses was sufficient to establish the fact in dispute, we ought perhaps to take ‘wīt-worþ’ in its ordinary legal sense, and consider it as equivalent to the wager of law.

^c This term occurs in the old Danish Law in the same sense:—

v. And ȝif hpa boþhleaf ȝrf habbe ȝ land-ȝūcan hit beƿon-
aȝife þ̅ ȝrf ȝ ȝilde .xx. ȝran:.

vi. And ælc tīonð āȝe ȝepealð ȝpa hƿæðer he pille ȝpa
pæter ȝpa ȝen. ȝ ælc team ȝ ælc ȝrdal beo on þær kȝnungeȝ
bȝrȝȝ. ȝ ȝif he þ̅ ȝrdal ȝorȝleo ȝilde ȝe boþh hine be hȝ
pepe:.

vii. And ȝif hpa þeof clænȝian pȝlle lecȝe an .c. to peððe-
healf land-ȝūcan ȝ healf cunȝer ȝereȝan binnan ȝorȝ. ȝ ȝange
to þȝumfealðan ȝrdale. Eȝ he clæne beo æt þam ȝrdale
nime ūpp hȝ mæȝ. ȝif he þonne fȝl beo licȝe þar he læȝ ȝ
ȝilde an .c.:.

viii. And ælc mȝnetere þe man tihð þ̅ falf ȝeoh ȝloȝe
ȝȝþan hit ȝorȝboden pær ȝange to þȝumfealðan ȝrdale. ȝif he
fȝl beo ȝlea hine man. And nan man ne āȝe nænne mȝne-
tere buton cȝnȝ. And ælc mȝnetere þe be tihhtlað ȝi biȝȝe
him lāh mid .xii. ȝran:.

ix. And nan man hȝȝðer ne ȝlea buton he habbe tȝēȝna
tȝȝȝna manna ȝeritneȝȝe ȝ he healde .iii. niht hȝðe ȝ heafod.
ȝ ȝceapeȝ eallȝpa. And ȝif he þa hȝðe ær þam aȝeȝ ȝȝlle
ȝilde .xx. ȝran:.

x. And ælc flȝma beo flȝma on ælcum lande þe on ānum
ȝȝ:.

xi. And nan man nāȝe nāne ȝocne oȝer cȝnȝer þegen buton
cȝnȝ ȝȝlf:.

xii. And æt cȝnȝer ȝpæce lecȝe man .vi. healf-maȝc peðð.
ȝ æt eorȝer ȝ biȝceorȝer .xii. ȝran peðð. ȝ æt ælcum þegene
.vi. ȝran peðð:.

xiii. And ȝif man hȝlcne man tēð þ̅ he þone man fēðe þe
uȝer hlaȝorðer ȝȝið tobrocen habbe. laðȝe hine mid ^aþȝunna

‘Tha skal then Mand ther *forsagen* er werȝe sig mid neis louȝ som
gamle sedwaane er.’ *Eric’s Copenhagen Law*, c. 89. ‘Then shall
the man who is accused defend himself with an oath of denial, as the
old custom is.’

^a This term does not appear to have been current in the South of

5. And if any one have cattle for which no 'borh' has been given, and the 'land-ricas' attach it; let him surrender the cattle, and pay xx. ores.

6. And let every accuser have power of whichever he will, whether water or iron; and let every vouching to warranty, and every ordeal, be in the king's 'burh;' and if he flee from the ordeal, let the 'borh' pay for him according to his 'wēr.'

7. And if any one will clear a thief, let him deposit one c. as 'wed,' half to the 'land-rica,' and half to the king's reeve within port; and let him go to the threefold ordeal. If he be clean at the ordeal, let him take up his kinsman; but if he be foul, let him lie where he lay, and pay one c.

8. And let every moneyer, who is accused of striking false money since it was forbidden, go to the threefold ordeal; and if he be foul, let him be slain. And let no man have a moneyer, except the king. And let every moneyer who is accused buy him law with xii. ores.

9. And let no one slay an ox, except he have the witness of two true men, and that he keep for three nights the hide and the head; and the same with a sheep. And if he dispose of the hide before that, let him pay xx. ores.

10. And let every 'flyma' be a 'flyma' in every land, who is so in one.

11. And let no man have any 'socn' over a king's thane, except the king himself.

12. And in a king's suit, let every man deposit a 'wed' of vi. half marks; and in an 'eorl's,' and a bishop's, a 'wed' of xii. ores; and in every thane's, a 'wed' of vi. ores.

13. And if any man be accused of feeding the man who has broken our lord's 'grith,' let him clear himself with *thrice

England. It is of frequent occurrence in the old Danish Law:—
'Nefnd skal ey i Lund ganga: for nefnd skal ganga threnne tylter.'
Town Law of Lund. 'The nefnd shall not be in use in Lund: three tylter oaths (oaths of xii.) shall be used instead of it.'

·xii· ȝ ȝe ȝereȝa namȝe ȝa laðe. And ȝiȝ hine man mid him^a beȝape beðn hiȝ beȝen āneȝ ȝihteȝ peopðe. ȝ ȝ ððm ȝtande ȝap ȝeȝenaȝ^b ȝāmmæle beon. ȝiȝ hiȝ ȝacan ȝtande ȝ hiȝ ·viii· ȝecȝað. And ȝa ȝe ȝæȝ oȝenðȝȝene beoð ȝilðe heopra ælc ·vi· healf-maȝc. And ȝap ȝeȝen āȝe tȝeȝen coȝtaȝ^c lufe oȝþe laȝe ȝ he ȝonne lufe ȝeȝeoȝe. ȝtande ȝ ȝȝa ȝæȝt ȝȝa ȝe ððm. And ȝeȝe oȝen ȝ lāðe ȝeȝape oȝþe ȝeȝe hȝ ȝȝlle ȝilðe ·vi· healf-maȝc:.

xiv. And ȝeȝe ȝitte ūncȝȝðð ȝ uncȝapod on hiȝ āȝe on liȝe. ȝ nan man on hiȝ ȝȝȝe-numan ne ȝȝeȝe æȝteȝ hiȝ dæȝe:.

xv. And ȝeȝe ȝeaȝað man leohtan dæȝe ȝ he hiȝ kȝþe to^d ȝȝum tūnan. ȝ he ne beo naner ȝȝȝðeȝ peopðe:.

xvi. And ȝa mȝȝeteȝap ȝe inne ȝuða ȝȝȝceð oȝþe elleȝ-
hȝæȝ. ȝ ȝa biøn heopra ȝeoȝeȝ ȝcȝlðȝ buton ȝe cȝȝȝȝ heom
apȝan ȝille:.

^a If the text be correct, there seems no other mode of interpreting this passage than by referring 'him' to the thief, and taking the verb in the sense of the old Frisic 'bifare:—'Sa hwersama enne menotere bifari mith falske tha mith fade: Wherever a moneyer is detected having forged or base coin,' &c.

^b The same rule prevailed in the old Danish Law:—'Sed si illi xii. in unum convenire non poterint, major pars prævalebant, et quicquid juramento suo decreverit.' *Priv. Civ. Ripensis*, an. 1296.

^c The laws of nearly every Germanic tribe recognize this principle. In the laws of Soest it is said:—'Causa quæ coram advocato vel sculteto juste vel amicabiliter decisa fuerit rata esse debet et firma.' c. 16. And in Sweden:—'Epter thet kennas skal i rætta eller minne: Quoniam res examinari debet jure aut amice transigi.' *Ihre, in voce*. The day appointed for the amicable settlement of differences was called a love-day,—dies amoris,—freundlicher Tag. *Germ.*

^d And now is religion a ridere, a romere by streetis,

A ledar of lovedayes, and a loud begere.—*P. Plowman*, fol. l. a.

xii.; and let the reeve name the ‘lād.’ And if any man ^atake him about with him, let them both be worthy of one justice. And let doom stand where thanes are ^bof one voice: if they disagree, let that stand which viii. of them say. And let those who are there out-voted pay, each of them, vi. half marks. And where a thane has the choice of two things, ‘love or law, and he then choose love, let that stand as firmly as the doom. And whoever after that permits a ‘lād,’ or whoever gives it, let him pay vi. half marks.

14. And he who sits, without contest or claim on his property, during life; that no one have an action against his heir after his day.

15. And he who robs a man by light day, and he declare it in ‘three ‘tūns;’ that he be not entitled to any ‘frith.’

16. And the moneyers who work within a wood, or elsewhere; that they be liable in their lives, unless the king will be merciful to them.

^d This must mean either the three towns nearest to the place where the robbery was committed, which is the more probable solution, or to the residence of the party robbed. In the *Sachsenspiegel* it is said:—‘Begiebt sich aber eine handhafter That von Dieberey oder von Raub da ein Mann mit begriffen wirt, da mag man wol umb kiesen einen Gograffen zu den minsten *von dreien Dorfern*, die da zu Gericht gehen; und die sollen die That richten, ob man des belehnten Richters nicht haben mag.’ *Jus Provin. Saxon.*, lib. i. c. 55. ‘If a theft be committed which is hand-habend, or a robbery in which the offender is taken, a go-graf may be chosen from at least *three villages*, and they shall form a court and judge the case, provided the official judge (he who has the office in fee) cannot be had.’

IV.

DE INSTITUTIS ¹LUNDONIE,^a² ET PRIMUM,^f³ QUÆ PORTÆ ⁴ OBSERVABANTUR.

I. Ealdredesgate et ⁵ Cripelesgate, ⁶ i. e. ^f portas illas, ⁷ observabant custodes.

DE TELONIO DANDO AD BYLYNGESGATE.

II. Ad Billingesgate, si advenisset una navicula, unus obolus thelonei dabatur: si major et haberet ⁸ siglas, unus denarius. Si adveniat ceol vel hulcus, et ibi jaceat, quatuor ð. ad teloñ.⁹ De navi plena lignorum, unum lignum ad teloñ.¹⁰ In ebdomada ¹¹ pañ teloñ ¹² III. diebus: die Dominica, et die Martis, ¹³ et die Jovis. Qui ad pontem ¹⁴ venisset cum uno bato, ubi piscis inesset, ipse mango unum ob ¹⁵ dabat in teloñ: et de una majori nave, unum ð. Homines de Rotomago, qui veniebant cum vino vel craspice, ¹⁶ dabant rectitudinem sex soð de magna navi, et vicesimum frustum de ipso craspice.^f Flandrenses, et Ponteienses, et Normannia, et Francia, monstrabant res suas et ¹⁷ extolneabant. Hogge, et Leodium, et Nivella, ¹⁸ qui ¹⁹ per terras ibant,^f ostensionem dabant et teloñ. Et homines Imperatoris, qui veniebant ²⁰ in navibus suis, bonarum legum digni tenebantur, sicut et nos. Præter discarcatam lanam, et ^{*} dis-

* dissolutum? ^{*} sutum unctum et tres porcos vivos licebat eis emere in naves suas; et non licebat eis aliquod forceapum facere burhmannis, et dare telonium suum; et in sancto Natali Domini duos

¹ London *Br.* ^{2f} primo *Br.* ³ quod *Br.* ⁴ observabuntur. *Br.*
⁵ Cirycelegate *Br.* ^{6f} Cirpilegate *Hk.* ^{6f} add. *M.* ⁷ observabunt *M.*
⁸ gulas *R. T.* ⁹ dentur. *add. Br.* ¹⁰ detur. *add. Br.* ¹¹ pannum *Hk.*
¹² detur *add. Br.* ¹³ add. *Br.* ¹⁴ veniat *Br.* ¹⁵ dabatur *Br.*
^{16f} not in *Br. M. Hk.* ¹⁷ extoneabant. *M. Hk.* ¹⁸ q̄ *Hk.* que *R.*
^{19f} pertransibant *R.* ²⁰ cum *Br. M. Hk.*

^a [The text is from *T.* collated with *R.* and *M.*; the rubrics are chiefly from *M.—T.*]

¹grisengos pannos, et unum brunum, et decem libras piperis, et cirotecas quinque hominum, et duos caballinos ²tonellos aceto plenos, et totidem in Pascha; de dosseris cum gallinis i. gallina teloñ, et ³de uno dossero cum ovis v. ova telonei, si veniant ad mercatum. ⁴Smeremangestre, ⁵que manganant in caseo et butiro, XIII. diebus ante Natale Domini, unum deñ, et septem diebus ⁶post Natale⁷, unum alium⁸.

DE TELONIO RETENTO.

III. Si portireva vel tungravio ⁹compellet aliquem, vel alius præpositus, quod telonium supertenuerit, et homo respondeat, quod nullum tolneum conclaverit, quod juste dare ¹⁰debuisset, juret hoc se viro, et sit quietus. Si appellet quod teloneum dedit, inveniat cui ¹¹dedit, et sit quietus. Si tunc hominem invenire non possit cui ¹²dederit, reddat ipsum tolneum, et persolvat quinque libras regi. Si cacepollum advocet, quod ei tolneum dedit, et ille neget, perneget ad Dei judicium, et in nulla alia lada.

DE HAMSOCNA, VEL IN PORTU VEL IN VIA REGIA.

IV. Et diximus, homo qui hamsocnam faciet intra portum sine licentia, et summam infracturam ¹³agat de placito ¹⁴ungebendo, vel qui aliquem innocentem ¹⁵affliget in via regia, ¹⁶si jaceat, jaceat in ungildan ¹⁷ækere. Si pugnet antequam sibi rectum postulet ac vivat, emendet regis burhbrece quinque libras. Si ¹⁸curet amicitiam ¹⁹ipsius porti, reddat nobis triginta soł emendationis, si rex hoc concedat nobis.

DE FALSARIIS ET EIS CONSENTIENTIBUS, ET DE CUM FALSA MONETA DEPREHENSIS, ET DE MONETARIIS.

V. Etiam dixerunt, quod nichil eis interesse videbatur inter falsarios et mercatores, qui bonam pecuniam portant ad

¹grisengos *Hk.* ²tolennos *M.* colennos *Br. Hk.* ³not in *Hk.*
⁴mongestre sinere *Br.* sine m. *Hk. M.* ⁵qui *Br.* ⁶post *Br.*
M. Hk. ante *T. R.* ⁷Domini *add. Br. M. Hk.* ⁸denarium ad the-
loneum *add. Br.* ⁹compellat *Br.* ¹⁰debut *Br.* ¹¹deñ *Hk.*
¹²deñ *Hk.* dedit *Br.* ¹³agat *Br.* ¹⁴ungebendeo *R.* ¹⁵affligat
Br. ¹⁶not in *Br.* ¹⁷ækere *Br.* ekere *R.* ¹⁸curat *M. Hk.*
¹⁹ipsi *Br.*

falsarios, et ab ipsis emunt, ut impurum et minus appendens operentur, et inde mangonant et barganniant, et eos etiam qui conos faciunt in occultis, et vendunt falsariis pro pecunia, et incidunt alterius ¹monetarii nomen in eo, et non ²ipsius immundi. Unde visum est sapientibus omnibus, quod isti tres homines unius rectitudinis essent digni. Et si aliquis eorum accusetur, sit Anglicus sit transmarinus, ladiet se pleno ordalio. Et constituerunt, monetarii ³cur manum perdant, et ponatur super ipsius monetæ fabricam. Et monetarii qui in nemoribus ⁴operantur, vel ⁵alicubi similibus fabricant, vitæ suæ culpabiles sint, nisi rex velit eorum misereri.

⁶DE SONANTIBUS PECUNIAM PURAM.

vi. Et præcipimus, ne quis pecuniam puram et recte appendentem sonet, monetetur ⁷in quocunque portu monetetur, in regno meo, super overhyrnessam meam.

DE MERCATORIBUS QUI FALSUM ET ⁸LACCUM AFFERUNT AD PORTUM.

vii. Et diximus de mercatoribus, qui falsum et ⁸lacum afferunt ad portum, ut advocent, si possint; ⁷si non possint, weræ suæ ⁹culpa sit, vel vitæ suæ, sicut rex ¹⁰volet; vel eadem lada se innoxient quam prædiximus, quod in ipsa pecunia nil inmundum sciebant, unde suam negotiationem exercuerunt; et habeat postea dampnum illud ex incuria sua, ut cambiat ab institutis monetariis purum et recte appendens. Et portireve, qui falsi hujus consentanei fuerint, ejusdem censuræ digni sint cum falsis monetariis, nisi rex indulgeat eis, vel se possint adlegiare eodem ¹¹cyrað, vel ordalio prædicto.

DE SUASIONE REGIS CONTRA FALSUM OPERANTES.

viii. Et rex suadet et mandat episcopis suis, et comitibus, et aldremannis, et præpositis omnibus, ut curam adhibeant de illis qui tale falsum operantur et portant per patriam, sicut præmissum est utrobique cum Danis et Anglis.

¹ monetam mundam *Br.* monetarii unde in eo *Hk.* ² ipsam immundam *Br.* ³ quod *Br.* ⁴ not in *Br.* ⁵ alibi *Br. T.* ⁶ *This and the following rubrics not in M.* ⁷ in the other mss., but not in *R.* ⁸ lactum *Br.* ⁹ culpabiles sint *Br. M.* ¹⁰ velit *Br.* ¹¹ sirath *Br. syrað Hk.*

DE MONETARIIS ET UBI ERUNT.

ix. Et ut monetarii pauciores sint quam antea fuerint; in omni summo portu ^{iii.}, et in omni alio portu sit unus ⁱmonetarius; et illi habeant suboperarios suos in suo crimine; quod purum ²faciant, et recti ponderis, per eandem witam quam prædiximus. Et ipsi qui ³portus custodiunt, efficiant, ⁴per overhirnessam meam, ut omne pondus ⁵sit marcatum ad pondus quo pecunia mea recipitur, et eorum singulum signetur, ita ⁶quod xv. ore libram faciant. Et custodiant omnes monetam, sicut vos docere præcipio, et omnes elegimus.

¹ *add. M.* ² *faciunt M.* ³ *porto M. porcos R.* ⁴ *super M. Hk.*
⁵ *marcatū ad pondus sit M. Hk.* ⁶ *cur M. R.*

V.

IN NOMINE DOMINI,
ANNO DOMINICÆ INCARNATIONIS M.VIII.

ⁱ Ðiſ iſ ƿeð Ʒeræðneſ þe Engla ¹cýnſ. ⁊ æƷðer Ʒe Ʒeháðode
Ʒe læpeðe ƿitan ²Ʒecurpan ⁊ ³Ʒeræððan:.

i. Ðæt iſ þonne æƿerƿ. þ̅ ƿe ealle ænne ġoð lúſian ⁊
⁴ƿeorðian. ⁊ ænne cƿurtenðom Ʒeorne healðan. ⁊ ⁵ealcne
hæðenðom mið ealle ⁶æƿorpan. ⁊ þ̅ ƿe habbað ealle æƷðer Ʒe
mið ƿorðe Ʒe mið ƿeððe Ʒeƿærtnoð. þ̅ ƿe unðer ānum cýne-
ðome ænne cƿurtenðom healðan ƿillað. And űner hláƿorðer
Ʒeræðneſ ⁊ hiſ ƿitena iſ. þ̅ man ƿihte laƷe up-āſſære. ⁊ ælce
unlaƷe Ʒeorne āſýlle. ⁊ þ̅ man læte beon æƷhpýlene man
ƿihter ⁷ƿýrðe. ⁊ ⁸þ̅ man ƿrūð ⁊ ƿneonðſcipe ƿihtlice healðe.
⁹innan þiſan eapðe. ƿor ġode ⁊ ƿor ƿorolðe:.

ii. And űner hláƿorðer Ʒeræðneſ ⁊ hiſ ƿitena iſ. þ̅ man
cƿurtene menn ⁊ unƿorƿorhte of eapðe ne ſýlle. ne huſu on
hæðene leððe. ac beorƷe man Ʒeorne þ̅ man þa ſāpla ne ƿor-
ƿape þe ġriſc mið hiſ āgenum lífe Ʒebohte:.

iii. And űner hláƿorðer Ʒeræðneſ ⁊ hiſ ƿitena iſ. þ̅ man
cƿurtene men ƿor ealles to lýtlum to deaðe ne ¹⁰ƿorðeðne. ac
eſſer Ʒeræðe man ƿrūðlice ſceopa folce tō þearfe. ⁊ ne ƿor-
ƿille ƿor lýtlum ġoder hand-Ʒeƿeorc. ⁊ hiſ āgenne ceāþ þe
he deðne Ʒebohte:.

iv. And űner hláƿorðer Ʒeræðneſ ⁊ hiſ ƿitena iſ. þ̅ ælceſ
háðer men Ʒeorne Ʒebuzan. ƿor ġode ⁊ ƿor ¹¹ƿorulðe. ælc to
þam ƿihte. þe him tō-ƷebýrƷe. ⁊ huſu-þingā ġoder þeðraſ.
biſcopaſ ⁊ abbudaſ. munecaſ ⁊ mýnecena. ƿreorƿaſ ⁊ nunnan.
tō ƿihte Ʒebuzan. ⁊ ƿeƷollice libban. ⁊ ƿor eall cƿurten folc
þingian Ʒeorne:.

¹ cýningc ² Ʒecurpan ³ Ʒeræððon ⁴ ƿeorðian ⁵ ælcne ⁶ æƿorpan
⁷ ƿrūðe ⁸ not in D. ⁹ not in D. ¹⁰ ƿorðembe ¹¹ ƿorlbe

V.

IN NOMINE DOMINI,
ANNO DOMINICÆ INCARNATIONIS M.VIII.

^a This is the ordinance that the king of the English, and both the ecclesiastical and lay ‘witan,’ have chosen and advised :

1. This then is first: that we all love and worship one God, and zealously hold one Christianity, and every heathenship totally cast out: and this we all have, both with word and with ‘wed,’ confirmed; that, under one kingship, we will observe one Christianity. And the ordinance of our lord and of his ‘witan’ is; that just law be set up, and every unlawfulness carefully abolished; and that every man be regarded as entitled to right; and that peace and friendship be lawfully observed, within this land, before God and before the world.

2. And the ordinance of our lord and of his ‘witan’ is; that Christian men, and uncondemned, be not sold out of the country, especially into a heathen nation: and be it zealously guarded against, that those souls perish not that Christ bought with his own life.

3. And the ordinance of our lord and of his ‘witan’ is; that Christian men, for all too little, be not condemned to death: but in general let mild punishments be decreed, for the people’s need; and let not for a little God’s handywork and his own purchase be destroyed, which he dearly bought.

4. And the ordinance of our lord and of his ‘witan’ is; that men of every order readily submit, before God and before the world, each to that law which is appropriate to him: and above all, let the servants of God, bishops and abbots, monks and mynchens, priests and nuns, submit to the law, and live according to their rule, and fervently intercede for all Christian people.

^a [The text is from *G.*; the variations are from *D.*—*T.*]

v. And únes hláforðes Ʒerædnes Ʒ hƷ pƷtena 1Ʒ. ꝥ muneca Ʒehpýlc þe úte Ʒý of mýnƷtne Ʒ neƷoles ne Ʒýme. 2ð ƷƷa him þearf 1Ʒ. Ʒebuge ƷeoƷne intó mýnƷtne mid eallum eáð-méttum. Ʒ mƷrðæða ƷerƷíce. Ʒ béte ƷƷiðe ƷeoƷne ꝥ he ábrocen hæbbe. Ʒeþence Ʒorð Ʒ peðð þe he Gode betæhte:.

vi. And Ʒe munuc þe mýnƷter næbbe. cume tó ƷcƷe-bƷcƷe. Ʒ 1ƷƷýƷƷe hine Ʒýlfne Ʒið God Ʒ Ʒið men. 2þ he huƷu þneð 3þing þanan-Ʒorð 4healðan Ʒille. ꝥ 1Ʒ. hƷ clænneƷƷe. Ʒ munuclice ƷcƷúðƷe. Ʒ þeðƷian hƷ DƷihtne. ƷƷa Ʒel ƷƷa he betƷt mæƷe. Ʒ ƷƷ he ꝥ ƷelæƷte. þonne bið he Ʒýrðe ꝥ hine man þe bet healde. Ʒunige þæƷ he Ʒunige:.

vii. And canónicƷ. þæƷ Ʒeð áƷ Ʒí ꝥ hí beóðð-ƷƷ Ʒ ƷlæƷ-ƷƷ habban maƷan. healðan heoƷa mýnƷter mid Ʒhte Ʒ mid clænneƷƷe. ƷƷa heoƷa neƷol tæce. 5oþƷon Ʒiht 1Ʒ ꝥ he þolige þæƷe áƷe. Ʒeþe ꝥ nelle:.

viii. And ealle mæƷƷe-ƷƷeoƷƷa Ʒe biððað Ʒ læƷað. ꝥ hí beoƷƷan heom Ʒýlfum Ʒið Godes ƷƷƷe:.

ix. Ful ƷeoƷne hí Ʒitan ꝥ hí nāƷan mid Ʒhte þƷƷ 6hæmed-þing ƷíƷeƷ Ʒemanan. Ʒ Ʒeþe þæƷ ƷerƷícan Ʒille Ʒ clænneƷƷe healðan. hæbbe he Godes 7miltƷe. Ʒ þæƷ-tó-eācan. tó 8Ʒorolð-9ƷeoƷðƷcƷe. ꝥ he Ʒý þeƷen-ƷeƷeƷ Ʒ þeƷen-ƷhteƷ 10Ʒýrðe. Ʒe on híƷe Ʒe on leƷeƷe. Ʒ Ʒeþe ꝥ nelle 11þ hƷ háðe Ʒebýrige. Ʒanige hƷ 12ƷeoƷð-ƷcƷe. Ʒe Ʒor Gode Ʒe Ʒor 13Ʒorolde:.

x. And æƷhpýlc ƷƷƷten man eāc unƷiht hæmed ƷeoƷne ƷorbuƷe. Ʒ Ʒoðcunde laƷa Ʒihtlice healde. Ʒ Ʒý ælc ƷƷƷe on Godes ƷƷiðe Ʒ on þæƷ cýnƷeƷ Ʒ on ealles ƷƷƷtenes ƷolceƷ. Ʒ 14æniƷ man heonan-Ʒorð ƷƷícan ne þeðƷige. ne ƷƷic-man-ƷunƷe mid unƷiht ne 15macie. ne ƷƷic-þén ne útiƷe. buton biƷcƷeƷ Ʒeþehte:.

xi. And ƷelæƷte man Godes ƷeƷhta ƷeoƷne æƷhpýlce ƷeƷe. ꝥ 1Ʒ. Ʒulh-ælmƷƷan .xv. niht on uƷan 16EaƷƷan. Ʒ 17ƷeðƷoðe

1 ƷƷýƷƷe
6 -þingƷe

2 Ʒ G.
7 milƷe

3 þingƷe
8 Ʒorlð

4 behealðan
9 ƷƷrðƷcƷe

5 oððe
10 ƷƷrðe

5. And the ordinance of our lord and of his 'witan' is; that every monk who is out of minster, and heeds no rule, do as it behoves him: let him willingly retire into a minster, with all humility, and abstain from misdeeds, and make 'bōt' very strictly for that which he may have broken: let him be mindful of the word and 'wed' which he gave to God.

6. And let the monk who has no minster come to the bishop of the diocese, and engage himself to God and to men, that he three things especially thenceforth will observe; that is, his chastity, and monkish raiment, and to serve his Lord, as well as he best can: and if he that perform, then is he worthy of being the better respected, let him dwell where he may.

7. And let canons, where their benefice is, so that they may have a refectory and a dormitory, keep their minster rightly, and with purity, as their rule may teach: or it is right that he forfeit the benefice who will not do so.

8. And we pray and instruct all mass-priests, that they secure themselves against the ire of God.

9. Full well they know, that they have not rightfully, through concubinage, intercourse with woman: and let him who will abstain from this, and preserve his chastity, have God's mercy; and, in addition thereto, for worldly honour, that he be worthy of thane-'wēr' and thane-right, both in life and in the grave: and he who will not that which is befitting his order, let his honour wane before God and before the world.

10. And also let every Christian man carefully eschew unlawful concubinage, and rightly observe the divine laws. And let every church be in the 'grith' of God, and of the king, and of all Christian people: and let no man henceforth reduce a church to servitude; nor unlawfully make church-mongering; nor turn out a church minister, without the bishop's counsel.

11. And let God's dues be willingly paid every year: that is, plough-alms, xv. days after Easter, and a tithe of young by

¹¹not in *D*.

¹⁶Еарѣон

¹²þurðreipe

¹⁷geoguðe

¹³þopþe

¹⁴æni

¹⁵macýge

teoðunge be Pentecosten. ⁊ eorð-pærta be Ælra Málgena mærran. ⁊ Rom-feoh be Petres mærran. ⁊ leoht-gepcot þripá on gearpe:.

xii. And ¹ǣul-ƿceat is ƿihtart þ̅ man ƿýmle ƿelǣrte æt openum ƿræfe. ⁊ gif man ænig lic of ƿiht ƿerft-ƿeipe eller hƿar lecege. ƿelǣrte man ¹ǣul-ƿceat ƿra ²þēh into þam mýnr-
tne þe hit tō-hýrde. ⁊ ealle Frodes ³ƿerhta ⁴ƿýrðrize man ƿeorne. eal ƿra hit þearf is. ⁊ ƿreolra ⁊ ƿærtena healde man ƿihtlice:.

xiii. Sunnan-dæges ƿreolr healde man ƿeorne ƿra ⁵þær-tō gebýrge. ⁊ cýrninga ⁊ folc-ƿemōta on þam hálƿan dæge ƿerþice man ƿeorne:.

xiv. And ⁶ſce. Mārjan ƿreolr-tīða ealle ⁷ƿeorðie man ƿeorne. æreft mid ƿærtena ⁊ riþþan mid ƿreolre. ⁊ tō æghƿilces aƿor-
toles heāh-tide ƿærte man ⁊ ƿreolrize. ⁸buton tō Philippus ⁊ Jacobus ƿreolre ne beōde ƿe nān ƿærten ⁹for þam Eartor-
lican ƿreolre:.

xv. Eller oðre ƿreolra ⁊ ƿærtena healde man ƿeorne. ƿra ƿra þa ¹⁰heoldan þa þe betƿt ¹⁰heoldan:.

xvi. And ſce. ¹¹Eaðƿearðes mærra-dæg ƿitan habbað ƿe-
corpen. þ̅ man ƿreolrian ƿceal ofer eal Engla-land on .xv. kal.
Æppilr:.

xvii. And ƿærten ælce Frige-dæg. butan hit ƿreolr is:.

xviii. And orðāl ⁊ āðar ƿindon tocreðen ƿreolr-dagum. ⁊ ¹²ƿiht Ymbren-dagum. ⁊ ¹³fram Adventum Domini ¹⁴oð oc-
tabar Eriphanie. ⁊ fram Septuagesimam oð ¹⁵.xv. niht ofer ¹⁶Eartan:.

xix. And beo þam hálƿum tīðan. eal ƿra hit ƿiht is. eallum cƿirtenum mannum rið ⁊ fōm ƿemæne. ⁊ ælc ƿacu ƿetƿæmed:.

xx. And gif hƿā oðrum ¹⁷ƿeyle boƿh oþþon bōte æt ¹⁸ƿorold-
lican þingan. ƿelǣrte hit ƿeorne. ær ¹⁹oþþon æfter:.

¹ ƿap- ² þeah ³ ƿihtra ⁴ ƿriðize ⁵ þar- ⁶ ſcā ⁷ ƿeorðian
⁸ butan ⁹ not in D. ¹⁰ heolbon ¹¹ Eaðƿarðes ¹² not in D. ¹³ ab

Pentecost, and of earth-fruits by Allhallows' mass, and Rome-
'feoh' by St. Peter's mass, and light-scot thrice in the year.

12. And it is most proper that soul-scot be always paid at the open grave: and if any corpse be laid out of its proper shrift-district elsewhere, let soul-scot be, nevertheless, paid to the minster to which it belonged; and let all God's dues be diligently furthered, as is needful, and let festivals and fasts be rightly held.

13. Let Sunday's festival be rightly kept, as is thereto becoming: and let marketings and folk-motes be carefully abstained from on that holy day.

14. And let all St. Mary's feast-tides be strictly honoured; first with fasting, and afterwards with feasting: and at the celebration of every apostle, let there be fasting and feasting; except that on the festival of St. Philip and St. James we enjoin no fast, on account of the Easter festival.

15. Else, let other festivals and fasts be strictly observed, so as those observed them who best observed them.

16. And the 'witan' have chosen, that St. Edward's mass-day shall be celebrated over all England on the xv. kal. April.

17. And to fast every Friday, unless it be a festival.

18. And ordeals and oaths are forbidden on festival-days, and on the regular Ember-days, and from Adventum Domini till the octaves of the Epiphany; and from Septuagesima till xv. days after Easter.

19. And at those holy tides, let there be, as is right, to all Christian men general peace and concord; and let every strife be appeased.

20. And if any one owe another 'borh' or 'bōt,' on account of secular matters, let him fulfil it willingly, before or after.

14' XIII. niht ofer mibbe-pintref cūð 15 XIII. 16 Eapton 17 Icule
18 poplbican 19 oððe

xxi. And ꝥ ælc ¹ꝥýðeꝥe. þe hī ꝥýlfe mid rihte ²gehealde-
on Godes gꝥiðe ꝥ on þæs cýniges. ꝥ rihte ælc .xii. monað
pepleaꝥ. ceoge ꝥýþþan þ heo ꝥýlfe wille:.

xxii. And æghwýlc cꝥiꝥten man do ꝥwa him þearf iꝥ. gýme
hiꝥ cꝥiꝥtenðomeꝥ georne. ꝥ geꝥunige gelōmlíce to ³ꝥcꝥiꝥte.
ꝥ unfoꝥpandodlice hiꝥ gýnna gecýþe. ꝥ geornelice hēte ꝥwa ꝥwa
him man tæce. ꝥ gearwige eac to huꝥl-gange. of ꝥ gelōme-
gehpā hine gýlfne ꝥ woꝥð ꝥ weoꝥc fadiꝥe mid rihte. ꝥ að ꝥ weð
wæꝥlice healde:.

xxiii. And æghwýlc unriht aꝥeoꝥe man georne of ⁴þýrgan
eaꝥde. þæs þe man ⁵gedōn mæge:.

xxiv. And ꝥꝥicollice dæda ꝥ lādlice unlaga aꝥcunige man
ꝥꝥýðe. þ iꝥ. fælge geꝥihta. ꝥ wōge gemēta. ꝥ leāfe geꝥitneꝥga.
⁶ꝥ ꝥꝥacodlice ꝥitunga:.

xxv. And egeꝥlice mān-ꝥwara ꝥ deoꝥlice dæda. on moꝥð-
weoꝥcan ꝥ on man-glihta. on ꝥtalan ꝥ on ⁷ꝥꝥꝥiudungan. on
gꝥiꝥungan ꝥ on gꝥiꝥneꝥgan. on ofeꝥ-mēttan ꝥ on ofeꝥ-
gýllan. on ꝥꝥic-cwæꝥtan ꝥ on mꝥꝥlican ⁸lah-brýcan. on hād-
brýcan ꝥ on æꝥ-brýcan. ꝥ on mæniges cýnneꝥ mꝥꝥðæðan:.

xxvi. Ac lúfge man Godes riht heonan-foꝥð georne. woꝥðeꝥ
ꝥ dæde. þonne wýꝥð þýꝥꝥe þeode wona God milde. And beo
man georne ⁹ýmbe fꝥiðeꝥ-hōte ꝥ ýmbe fēðeꝥ-hōte æghwara on
eaꝥde. ꝥ ýmbe buꝥh-hōte on ¹⁰æghwýlcum ende. ¹¹ꝥ ýmbe
bꝥic-bote. ꝥ ýmbe fýꝥðunga eac. be þam þe man geꝥæde áa
þonne neoð gí:.

xxvii. And ýmbe ꝥcꝥ-fýꝥðunga. ꝥwa man georneof mæge.
þ æghwýlc geꝥet gý wona ofeꝥ ¹²Caꝥtan. æghwýlc geaꝥe:.

xxviii. And gꝥ hꝥā ¹³butan leāfe of fýꝥde ¹⁴geꝥende. þe
ꝥe cýnung gýlf on gý. plihhte him gýlfum ¹⁵ꝥ ealꝥe hiꝥ aꝥe.
ꝥ weþe elles of fýꝥde geꝥende. beo ꝥe .cxx. ꝥcill. ꝥcýlðig.

¹ wudupe ² healde ³ ƿiꝥte ⁴ ƿiꝥum ⁵ ðon ⁶ not in D.
⁷ ƿeꝥutungan ⁸ lag- ⁹ ýmban ¹⁰ æghwýlcum ¹¹ not in G.

21. And let every widow, who conducts herself lawfully, be in God's 'grith' and the king's: and let every one continue xii. months husbandless: afterwards let her choose what she herself will.

22. And let every Christian man do as is needful to him; let him strictly keep his Christianity, and accustom himself frequently to shrift; and fearlessly declare his sins, and earnestly pray as he may be instructed; and let every one prepare himself to go to housel oft and frequently: let every one direct himself and his words and works justly, and carefully keep his oath and 'wed.'

23. And let every injustice be carefully cast out from this country, as far as it can be done.

24. And let fraudulent deeds, and hateful illegalities, be earnestly shunned; that is, false weights, and wrongful measures, and lying witnesses, and shameful fightings.

25. And horrid perjuries and diabolic deeds, in 'morth'-works and in homicides, in thefts and in plunderings, in avarice and covetousness, in gluttony and drunkenness, in arts of fraud and in various breaches of law, and in breaches of holy orders, and in adulteries, and misdeeds of many kinds.

26. But let God's law be henceforth zealously loved, by word and deed; then will God soon be merciful to this nation. And let 'frithes-bōt' and 'feos-bōt,' every-where in the country, and 'burh-bōt' on every side, and 'bric-bōt,' and the armaments also, be diligently attended to; according to what is always prescribed, when there is need.

27. And with respect to naval armaments, as may be most diligently; so that every one be stationed immediately after Easter, every year.

28. And if any one without leave return from the 'fyrd' in which the king himself is, let it be at peril of himself and all his estate; and he who else returns from 'fyrd,' let him be liable in cxx. shillings.

¹² Eartpon ¹³ buton ¹⁴ ȝepænbe ¹⁵ *D. adds oppe ȝep-ȝilbe, but omits the rest.*

xxix. And gif ænig amānrumað man· butan hit frūð-bena
 rý· on þær ¹cýnzer ²neapeŕte āhrar Ʒepunige· ær þam þe he
 hæbbe Ʒoðcunde bōte Ʒeorne Ʒebogene· þonne plihete ³him
 rýlfum Ʒ eallan hƷ æhtan:'

xxx. And gif hrā ymbe ⁴cýningez feorh rýrpe· ⁵rý ⁶he
 hƷ feorpez rýldig· ⁷Ʒ gif he laðian wille· ðo þ be þær cýnzer
 per-Ʒilde· oþþe mid þrýfealdan órdále on Engla laze:'

xxxi. And gif hrā forŕteal oþþon openne riðer-cƷýðe on-
 Ʒean lah-ŕiht Eŕrteŕ oþþe cýningez āhrar Ʒepýrce· Ʒilde
 rpa þér rpa ríte rpa lah-ŕhte· āā be þam þe reð ðæð rý· Ʒ gif
 he onƷean ⁸ŕiht þurh æ-hlýp Ʒeonbýrðe Ʒ rpa Ʒepýrce þ hine
 man āfýlle· licze āƷýlðe ⁹eallan hƷ ¹⁰freondan:·

xxxii. And ærpe ālicƷan heonan-forð þa unlaza· þe ær
 þƷran þæran to Ʒepunelice ríðe:·

xxxiii. And æƷhrýlce unlaza ālecze man Ʒeorne· forþam
 þurh þ hit rceal on earðe Ʒoðian to āhte· þe man unŕiht
 ālecze· Ʒ rihtŕirnerre lúre· for Froðe Ʒ for Ʒorolðe:·

xxxiv. Ealle pe ¹¹ŕeýlan ænne Froð lúrian Ʒ ¹²Ʒeorðian·
¹³Ʒ ænne cŕiŕtendom Ʒeorne healðan· Ʒ ælcne hæðenðom mid
 ealle ¹⁴āƷeorpan:·

xxxv. And ¹⁵útan ænne cýne-hlāforð holdlice healðan· Ʒ lír
 Ʒ land Ʒamð ealle Ʒerian· rpa pel rpa pe betŕ ¹⁶maƷan· Ʒ
 Froð ¹⁷Ealmlhtizne ¹⁸inpeŕðpe heortan fulumeŕ biððan.

¹ cýningez ² neapeŕte ³ to him rlfum oþþe to hƷ æhtan
⁴ cýninge rrepe ⁵ beo ⁶ not in D. ⁷ buton he him laðze be þam
 ðeoreŕtan þe ritan Ʒeræðan ⁸ riht Ʒeonbýrðe oþþe æhlip Ʒeripe

29. And if any excommunicated man, unless it be a 'frith'-suppliant, dwell anywhere in the king's proximity, before he has earnestly submitted to divine 'bōt,' then be it at peril of himself, and of all his property.

30. And if any one plot against the king's-life, let him be liable in his life; and if he desire to clear himself, let him do so according to the king's 'wer-gild,' or with threefold ordeal, by the law of the English.

31. And if any one anywhere commit 'forsteal,' or open opposition to the law of Christ or of the king; let him pay either 'wēr,' or 'wite,' or 'lah-slit,' always according as the deed may be: and if he resist against right, by any violation of the law, and so act that he be slain, let him lie uncompensated to all his friends.

32. And ever henceforth, let the illegalities be suppressed, which before this were commonly too wide-spread.

33. And let every illegality be carefully abolished; because through that it shall turn to some good in the country, that injustice be abolished, and righteousness loved, before God and before the world.

34. It is the duty of us all to love and worship one God, and strictly hold one Christianity, and totally cast out every kind of heathenism.

35. And let us faithfully support one royal lord, and all defend life and land together, as well as we best may; and to God Almighty pray for aid with inward heart.

7 hine man þonne þurh ƿ aſille ⁹ eallum ¹⁰ fpeonðum ¹¹ fculon
¹² þurðian ¹³ not in G. ¹⁴ aþurpan ¹⁵ uſon ¹⁶ maðon ¹⁷ ƿel-
 mihcigne ¹⁸ inþearþe

VI.

COUNCIL OF ^aENHAM.^bBE PITENA LERÆDNESSAN.

i. Ðiſ ¹ſindon þa Ʒerædneſſa þe Enġla ſæd-Ʒifan Ʒecupan
 Ʒ Ʒecſæðan. Ʒ Ʒeornlice lærdan. þ̅ man ſcolde healðan. And
 þ̅ iſ þonne æreſt þæra biſcopa ſum-ſæð. þ̅ pe ealle fram
 ſýnnum Ʒeorne Ʒecſýrpan þær þe pe ðon ²mæzan. Ʒ ſiſe miſ-
 ðæða ³ondettan Ʒeorne Ʒ Ʒeornlice bétan. Ʒ ænne God ſiht-
 lice lúſian Ʒ peorðian. Ʒ ænne criſtendóm anſæðlice healðan.
 Ʒ ælcne hæðendóm Ʒeorne forbuƷan. Ʒ Ʒebedſæðene anſæpan
 Ʒeorne uſ betreonan. Ʒ riðbe Ʒ ſóme lúſian Ʒeorne. Ʒ anum
 cýne-hlāforðe holdlice hýſan. Ʒ Ʒeorne hine healðan. mid
 ſihtan Ʒecſýrðan:

ii. And piſena Ʒerædneſ iſ. þ̅ abbodaſ Ʒ abbodiſſan heora
 āġen liſ ſihtlice ſaðian. Ʒ eāc heora heorða ſýlice healðan.
 Ʒ þ̅ ælceſ hāðeſ men Ʒeorne ƷebuƷan. for Gode Ʒ for
 worolde. ælc tō þam ſihte þe him tō-Ʒebýrġe. Ʒ huſu-þingā
 Godeſ þeopaſ. biſcopaſ Ʒ abbodaſ. munecaſ Ʒ mýnecena-
 canonicaſ Ʒ nunnan. tō ſihte Ʒecſýrpan. Ʒ Ʒeollice libban. Ʒ
 for eall criſten folc þingian Ʒeorne:

iii. And piſena Ʒerædneſ iſ. þ̅ muneca Ʒehſýlc þe ſiſe of
 mýnſtre ſi. Ʒ Ʒeoleſ ne Ʒýme. ðō ſſa him þearf iſ. ƷebuƷe
 Ʒeorne intō mýnſtre. mid eallum eāð-métum. Ʒ miſðæða
 Ʒerſice. Ʒ bēte ſſýðe Ʒeorne. þ̅ he ābrocen hæbbe. Ʒeþence
 worð Ʒ peðð þe he Gode betæhte. And ſe munuc þe mýnſ-
 treſ næbbe. cume tō ſiſe-biſcop. Ʒ trýſſiġe hine ſýlſne rið
 God Ʒ rið men. þ̅ he huſu þneo þing þanon-forð healðan wille.
 þ̅ iſ. hiſ clænneſſe. Ʒ munuclice ſcſiðþape. Ʒ þeðrian hiſ
 Drihtne. ſſa pel ſſa he betſt mæġe. Ʒ Ʒiſ he þ̅ Ʒelæſte.
 þonne bið he peorðe þ̅ hine man þe bet healde. ſunige þær he
 ſunige:

¹ ſýndan² mæzan^a [Ensham or Eynesham, near Oxford.—*T.*]

VI. COUNCIL OF ^aENHAM.

^bOF THE ORDINANCES OF THE ‘WITAN.’

1. These are the ordinances which the councillors of the English selected and decreed, and strictly enjoined that they should be observed. And this then is first,—The primary ordinance of the bishops—that we all diligently turn from sins, as far as we can do so, and diligently confess our misdeeds, and strictly make ‘bōt,’ and rightly love and worship one God, and unanimously hold one Christianity, and diligently eschew every heathenism, and diligently promote prayer among us, and diligently love peace and concord, and faithfully obey one royal lord, and diligently support him, with right fidelity.

2. And it is the ordinance of the ‘witan,’ that abbots and abbesses rightly order their own life, and also wisely keep their flocks; and that men of every order willingly submit, before God and before the world, each to that law that is appropriate to him: and especially, that God’s servants, bishops and abbots, monks and mynchens, canons and nuns, turn to right, and live according to rule, and intercede fervently for all Christian people.

3. And it is the ordinance of the ‘witan,’ that every monk who is out of minster, and heeds no rule, do as it behoves him; let him willingly retire into a minster, with all humility, and abstain from misdeeds, and make ‘bōt’ very strictly for that which he may have committed: and let him be mindful of the word and ‘wed’ which he gave to God. And let the monk who has no minster come to the bishop of the diocese, and engage himself to God and to men, that he three things especially thenceforth will observe; that is, his chastity, and monkish raiment, and to serve his Lord, as well as he best can: and if he that perform, then is he worthy of being the better respected, let him dwell where he may.

³ anberran

^b [The text is from *D.*; the variations are from *K.—T.*]

iv. And canonicas. þær seð ær sī þ̅ hī ¹beod-ern y rlēp-ern habban maȝan. healðan heora mȳnreȝ mid clænneȝre. ȝra heora reȝol tæce oþþon riht iȝ. ²y þolige þære ære seþe þ̅ nelle:.

v. And ealle Godeȝ þeðraȝ. y huru-þinga raceȝðraȝ. pe biððað y lærað þ̅ hī Gode hȝran y clænneȝre lūfian y beorh-ȝan him ȝylfum rið Godeȝ yȝre. Ful ȝeorne hī riȝtan þ̅ hī nāȝon mid rihte. þurh æniȝ hæmed-þingȝ. riȝeȝ ȝemanan. ac hit iȝ þe ³pȝȝre þe ȝume habbað tpa oþþe mā. y ȝum þēh he forlæte þa he ær hæȝde. he be lifienðre þære eft ⁴oðere niȝð. ȝra ⁵æniȝan criȝtenan' mæn ne ȝedaȝenað tð ðōnne. y seþe þær ȝerȝican riȝle y clænneȝre healðan. hæbbe he Godeȝ miȝte. y þær-tð-eācan tð porold-peorðȝcipe. þ̅ he sī þegen-peȝeȝ. y þegen-rihteȝ pȝȝde. ȝe on līfe ȝe on leȝere. y seþe þ̅ nelle þ̅ hiȝ hāde ȝebȝȝȝe. panȝe hiȝ peorðȝcipe. æȝðer ȝe for Gode ȝe for porolde:.

vi. And la ȝȝt pe riȝlað biððan ȝneonda ȝehpȝlcne. y eal folc eāc læran ȝeorne. þ̅ ⁶hi inȝeȝðre heortan ænne God lūfian. y ælcne hæðenðōm ȝeorne aȝcumian:.

vii. And ȝiȝ riȝcan oþþe riȝleȝraȝ. ȝcin-cȝæȝȝan oþþe hōr-cpēnan. moȝð-pȝȝhtan oþþe mān-ȝroȝan. āhrar on earðe pȝȝðan āȝitene. sȝȝe hī man ȝeorne ūt of þȝȝan earðe. y clænȝȝe þaȝ þeðde. oþþe on earðe forȝape hī mid ealle. butan hī ȝerȝican y þe ðeðpor ȝebētan:.

viii. And riȝena ȝeȝæðneȝ iȝ. þ̅ man rihte laȝa up-āȝæȝe for Gode y for porolde. y æȝhpȝlce unlȝa ȝeorne āȝȝlle. y þ̅ man heonon-forð læte manna ȝehpȝlcne. ȝe earȝmne ȝe eāðȝne. folc-rihteȝ pȝȝde. y þ̅ man riȝð y ȝneonðȝcipe rihtlice healde. innan þȝȝan earðe. for Gode y for porolde:.

ix. And riȝena ȝeȝæðneȝ iȝ. þ̅ man criȝtene men y unȝor-porhte of earð ne ȝȝlle. ne huru on hæðene þeðde. ac beorȝe man ȝeorne þ̅ man þa ȝāpla ne forȝape. þe Lȝiȝt mid hiȝ āȝenum līfe ȝebohte:.

¹ beorðern² þ̅³ riȝe⁴ oðer

4. And that canons, where their benefice is, so that they may have a refectory and a dormitory, keep their minster with purity, as their rule may teach, or as is right: and let him who will not so do forfeit the benefice.

5. And all God's servants, and priests above all, we beseech and enjoin, that they obey God, and love chastity, and secure themselves against God's ire. Full well they know, that they have not rightfully, through any concubinage, intercourse with woman: but it is the worse, that some have two or more; and one, though he had forsaken her whom he had previously, he, she being living, often takes another, as is not allowable for any Christian man to do: and let him who will refrain from this, and preserve his chastity, have God's mercy; and, in addition thereto, for worldly honour, that he be worthy of thane-*'wēr,'* and thane-right, both in life and in the grave: and he who will not that which is fitting to his order, let his honour wane both before God and before the world.

6. And moreover we will beseech every friend, and all people also diligently teach, that they, with inward heart, love one God, and carefully shun every heathenism.

7. And if witches or soothsayers, magicians or whores, *'morth'-*workers or perjurers, be anywhere found in the country, let them diligently be driven out of this country, and this people be purified: or let them totally perish in the country, unless they desist, and the more deeply make *'bōt.'*

8. And it is the ordinance of the *'witan,'* that just laws be established before God and before the world, and every illegality carefully abolished, and that every man henceforth, whether poor or rich, be considered worthy of *'folk-right;'* and that peace and friendship be duly held, within this country, before God and before the world.

9. And it is the ordinance of the *'witan,'* that Christian men, and uncondemned persons, be not sold out of the country, at least not into a heathen nation; but let it be carefully guarded against, that those souls be not made to perish that Christ has bought with his own blood.

x. And riƿena ƷeræðneƷ iƷ. ꝥ man cƷurƿene men Ʒor ealler tō lýtlan tō ðeaðe ne Ʒorƿæðe. ac eller Ʒeræðe man ƷƷuðlice Ʒteðra. Ʒolce tō þearfe. Ʒ ne ƷorƷƷille Ʒor lýtlan GodeƷ āƷen hand-ƷeƷeorc. Ʒ hiƷ ¹āƷenne ceāƷ. þe he ðeðre Ʒebohte. ac ²æƷhƷilce ðæðe tōƷcade man ƷæƷlice. Ʒ ðōm æfter ðæðe meðemize be mæðe. ƷƷa Ʒor Gode Ʒí ƷeƷeorhlic Ʒ Ʒor Ʒorolde āƷependlic. And ƷeƷence ƷƷýðe Ʒeorne ƷeƷe oðrum ðēme. hƷæƷ he Ʒýlf Ʒýrne. þonne he þuƷ ³ceðe. Et dimitte nobis debita noƷƿra. et Ʒeliq:.

xi. And Ʒe læƷað ƷƷýðe Ʒeornlice. ꝥ æƷhƷilc cƷurƿen man unƷiht hæmed Ʒeorne ƷorbuƷe. Ʒ ⁴cƷurƿene laƷe Ʒuhtlice healde:.

xii. And æƷne ne ƷeƷeorðe. ꝥ cƷurƿen man ƷeƷíƷe in .vi. manna Ʒib-Ʒæce. on hiƷ āƷenum cýnne. ꝥ iƷ binnan þam Ʒeorðan cneðre. ne on þæƷ láfe þe ƷƷa neāh Ʒæne on Ʒoroldcundre Ʒibbe. ne on þæƷ ƷífeƷ nýð-maƷan þe he æƷ hæƷðe. Ne on ƷehálƷoðre æniƷne nunnan. ne on hiƷ ƷeƷæðeƷan. ne on æ-lætan æniƷ cƷurƿen man ne ⁵ƷeƷíƷe æƷne. ne na mā Ʒíra þonne ān hæbbe. ac beo be þæne āne þa hƷíle þe heo libbe. ƷeƷe Ʒille GodeƷ laƷe Ʒýman mið Ʒuhte. Ʒ Ʒið helle bƷýne beorƷan hiƷ ƷāƷle:.

xiii. And Ʒí ælc cƷurce on GodeƷ ƷƷuðe. Ʒ on þæƷ cýnƷeƷ. Ʒ on ealler cƷurƿeneƷ ƷolceƷ:.

xiv. And Ʒí ælc cƷurc-ƷƷuð binnan ƷāƷum. Ʒ cýnningeƷ hand-ƷƷuð. eƷen unpemne:.

xv. And æniƷ man heonan-Ʒorð cƷurcan ne þeðriƷe. ne cƷurc-maƷƷunƷe mið unƷiht ne maƷiƷe. ne cƷurc-þēn ne útiƷe-butan biƷcƷeƷe ƷeƷehte:.

xvi. And ƷelæƷte man GodeƷ ƷeƷuhta. æƷhƷilce Ʒeare Ʒuhtlice Ʒeorne. ꝥ iƷ. Ʒulh-ælmeeƷan huƷu .xv. niht oƷeƷ EartƷon:.

xvii. And ƷeðƷoðe teoðunƷe be Pentecosten. Ʒ eorð-ƷæƷtma be Ealra DāƷena mæƷƷan:.

¹ aƷene² æƷhƷýlc³ ceðe

10. And it is the ordinance of the ‘witan,’ that Christian men be not, for altogether too little cause, condemned to death; but in general let mild punishments be decreed, for the people’s need; and let not for a little God’s own handywork, and his own purchase, be destroyed, which he dearly bought: but let every deed be heedfully distinguished, and doom, according to the deed, be moderated in degree; so that before God it be fitting, and before the world bearable. And let him who judges others bear in mind very seriously what he himself desires, when he thus speaks: ‘Et dimitte nobis debita nostra,’ et reliq.

11. And we direct very earnestly, that every Christian man carefully avoid unlawful concubinage, and rightly observe Christian law.

12. And let it never be, that a Christian man marry within the relationship of vi. persons, in his own kin, that is within the fourth degree; nor with the relict of him who was so near in worldly relationship; nor with the wife’s relation, whom he before had had. Nor with any hallowed nun, nor with his god-mother, nor with one divorced, let any Christian man ever marry; nor have more wives than one, but be with that one, as long as she may live; whoever will rightly observe God’s law, and secure his soul from the burning of hell.

13. And let every church be in God’s ‘grith,’ and in the king’s, and in all Christian people’s.

14. And let every church-‘grith’ within walls, and the king’s ‘hand-grith,’ be equally inviolate.

15. And let no man henceforth reduce a church to servitude, nor unlawfully make church-mongering, nor turn out a church minister, without the bishop’s counsel.

16. And let God’s dues be lawfully and willingly paid every year; that is, plough-alms, at least, xv. days after Easter.

17. And a tithe of young by Pentecost, and of earth-fruits by Allhallows’ mass.

xviii. And Rom-feōh be Petres mærgan. ⁊ cīric-ſceat tō
 Waptinur mærgan:.

xix. And leōht-geſcot þrīpa on geara:.

xx. And ¹ſaul-ſceat iſ rihtaſt þ̅ man ſymbles gelæſte āa
 æt openum gſæfe:.

xxi. And gif man ænig hīc of riht ſcīpe elles-hƿar lece.
 gelæſte man þonne ¹ſaul-ſceat gſa þēh intō þam minſtre
 þe hit tō-hſrde. ⁊ ealle Godes geſuhta fýrðrige man georne-
 ealſſa hit þearf iſ:.

xxii. And ffeōlſa ⁊ fæſtena healde man rihtlice. Sunnan-
 dæges ffeōlſ healde man georne. gſa þær-to gebyrige. ⁊
 cýringa. ⁊ folc-gemōta. ⁊ huntað-ſara. ⁊ ſoroldlicra ſeorca.
 on þam hālſan dæge geſſice man georne. ⁊ ſca. Wapian heāh-
 ffeōlſ-tīda ealle ſeorðige man georne. æreſt mid fæſtene ⁊
 riþþan mid ffeōlſe. ⁊ tō æghwīlceſ aſorſtoleſ heāh-tīde fæſte
 man georne. butan tō Philippur ⁊ Jacobur ffeōlſe ne beōde
 þe nān fæſten ſorþam Earſelican ffeōlſe. butan hƿā wille.
 elles oðre ffeōlſa ⁊ fæſtena healde man georne. gſa gſa þa
 heoldan þa þe betſt heoldan:.

xxiii. And ýmbren ⁊ fæſtena. gſa gſa ſcſ. Gregorur
 Angel-cýnne ſýlf hit geðihſe:.

xxiv. And fæſte man ælce Frige-dæge. butan hit ffeōlſ
 ſī:.

xxv. And ſrðāl ⁊ āðar ⁊ ſíſunga æſſe ſrndan tōſcedene
 heāh-ffeōlſ-dagum ⁊ riht ýmbrenum. ⁊ ſſam Adventum Do-
 mini oð octabar Epiphaniſe. ⁊ ſſam ſeſtuageſima oð .xv.
 niht ofeſ Earſan. And beō þam hālſan tīdan. eal gſa hit
 riht iſ. eallum cſurſtenum mannum. riþb ⁊ ſōm gemæne. ⁊
 ælc ſacu toſſæmed. ⁊ gif hƿā oðrum ſcýle boſh ofþe bōte
 æt ſoroldlican þingā. gelæſte hit him georne. æſ ofþon
²æſſeſ:.

18. And Rome-‘feoh’ by St. Peter’s mass, and church-scot by Martinmass.

19. And light-scot thrice in the year.

20. And it is most proper that soul-scot be always paid at the open grave.

21. And if any corpse be laid out of its proper district elsewhere, then let the soul-scot be, nevertheless, paid to the minster to which it belonged : and let all God’s dues be willingly furthered, as is needful.

22. And let festivals and fasts be rightly kept. Let Sunday’s festival be rightly kept, as is thereto becoming : and let marketings, and folk-motes, and huntings, and worldly works, be strictly abstained from on that holy day. And let all St. Mary’s solemn feast-tides be strictly honoured, first with fasting, and afterwards with festival : and at the celebration of every apostle let strict fast be held, except that on the festival of St. Philip and St. James we enjoin no fast, on account of the Easter festival, unless any one will : else let other festivals and fasts be strictly observed, so as those observed them who best observed them.

23. And ember-days and fasts, so as St. Gregory himself prescribed to the English nation.

24. And let fast be kept every Friday, unless it be a festival.

25. And ordeals, and oaths, and marriages, are always forbidden on high festival days and on the regular ember-days ; and from Adventum Domini till the octaves of the Epiphany ; and from Septuagesima till xv. days after Easter. And at those holy tides, let there be, as it is right, to all Christian men, general peace and concord, and let every strife be appeased : and if any one owe another ‘borh’ or ‘bōt’ on account of secular matters, let him willingly fulfil it to him, before or after.

xxvi. And ſi ælc wýðeþe. þe hi ſýlfe mid rihte gehealde. on Godeſ gniðe y on þæſ cýnðeſ. y rihte ælc .xii. monað pepleaſ. ceoðe riþþan þ heo ſýlfe wille:.

xxvii. And æghwile criſten man dō gwa him þearf iſ. gýme hiſ criſtendōmeſ georne. y gepuniðe gelōmlice tō ¹hiſ reſurte. y unforþandodlice hiſ gýnna gecýþe. y geornlice bēte. gwa gwa him man tæce. y gearwiðe ²hine eac tō ³hwel-gange. huſu þwiþa on gearpe. gehwā hine ſýlfe þe hiſ āgene þearfe wille underſtandan. gwa gwa him þearf iſ:.

xxviii. And worð y weorc weonda gehwile faðige mid rihte. y āð y weðð wærllice healde. y æghwile unriht ³apwpe man georne of ⁴þiſan earðe. þæſ þe man dōn mæge. And ſwiðlice dæda y lādlice unlaga ārcuniðe man wiðe. þ iſ. falſe gepihta y wōðe gemēta y leāfe gepitneſſa y ſnacodlice ſitunga y ſūle ſorhigra y egeſlice mān-gwāra y deorlice dæda. on morð-peorcum y on man-ſlihtan. on ſtalan y on ſcudungan. on gicungan y on giferneſſan. on ofer-mēttan y on ofer-ſýllan. on ſwið-cwætan. y on mirtlican lah-bwican. on āp-bwican y on hād-bwican. on ſweðl-bwicon y on fæſten-bwicon. on cýwic-ſēnan. y on mæniðeſ cýnneſ mirdædan:.

xxix. And la underſtande man georne. þ eal wile iſ tō leanne y næfne tō lūfianne:.

xxx. ⁵Ac lūfiðe man Godeſ riht heonan-ſorð georne. worðeſ y ⁶weorceſ. þonne wýðð þiſe weððe gona God milde:.

xxxi. Putan eac ealle ýmbe ſwiðeſ-bōte y ýmbe weðeſ-bōte ſmeagean wiðe georne:.

xxxii. Swa ýmbe ſwiðeſ-bōte. gwa þam bondan ſi weloſt y þam weðan ſi laðoſt. And gwa ýmbe weðeſ-bōte. þ ān mýnet gange ofer ealle þaſ weððe butan ælcon falſe. And gemēta y gepihta rihte man georne. y ælceſ unrihteſ heonan-ſorð geſſice. And burh-bōta y bwic-bōta aginne man georne on æghwicon ende. y ſýrdunga eac. y ſciþ-ſýrdunga ealſwa. ā

¹ not in *K*.² hwel-³ apwpe

26. And let every widow, who conducts herself lawfully, be in God's 'grith,' and the king's, and let every one continue xii. months husbandless; afterwards let her choose what she herself will.

27. And let every Christian man do as is needful to him; let him strictly keep his Christianity, and accustom himself frequently to shrift, and fearlessly declare his sins, and earnestly pray, as he may be instructed; and let every one who will understand his own need also prepare himself to go to housel, at least thrice in the year, so as it is requisite for him.

28. And let every friend direct his words and works aright, and heedfully keep his oath and 'wed;' and let every injustice be carefully cast out from this country, as far as it can be done. And let fraudulent deeds, and hateful illegalities, be earnestly shunned; that is, false weights, and wrongful measures, and lying witnesses, and shameful fightings, and foul fornications, and horrid perjuries, and diabolic deeds, in 'morth'-works and in homicides, in thefts and in plunderings, in cravings and in rapaciousness, in gluttony and in drunkenness, in arts of fraud and in various breaches of law, in adulteries and in breaches of holy orders, in breaches of festivals and in breaches of fasts, in sacrileges, and in misdeeds of many kinds.

29. And let it be well understood, that all such are to be censured, and never to be loved.

30. But let God's law be henceforth zealously loved, by word and deed; then will God soon be merciful to this nation.

31. Let us also all very earnestly deliberate concerning 'frithes-bōt,' and concerning 'feos-bōt.'

32. So concerning 'frithes-bōt,' as may be best to the proprietor and most hostile to the thief. And so concerning 'feos-bōt,' that one money go over all the nation, without any counterfeit. And let weights and measures be carefully rectified; and every illegality be henceforth avoided. And let 'burh-bōts' and 'bric-bōts' be commenced on every side, and the arma-

þonne ¹þearf ƿí. ƿpa ƿpa man Ʒerǣde ƿor Ʒemǣnelicre neoðe:.

xxxiii. And ƿǣrlíc bið þ̅ man æghƿilce Ʒearfe ƿona æfter Eartron ƿýrð-ƿcira Ʒearƿige:.

xxxiv. And Ʒif hƿá ƿolceƿ ƿýrð-ƿcira aƿýrðe. Ʒebēte þ̅ Ʒeorne. ⁊ cýninge þa munde. ⁊ Ʒif hit man amýrre þ̅ hit ænote ƿeorðe. ƿorƷilde hit ƿullice. ⁊ cýninge þone mundebruce:.

xxxv. And Ʒif hƿá of ƿýrðe butan leáfe Ʒepende. þe cýning ƿýlf on ƿí. ƿlihte hiƿ áne:.

xxxvi. And Ʒif morð-ƿýrhtan ofþe mán-ƿƿoran ofþe æbærne man-ƿlagan tó þam Ʒeþrurcian. þ̅ hí on þæƿ cýningeƿ neapeƿte Ʒepunian. ær þam þe hí habban bōte águnnen. ƿor Gode ⁊ ƿor ƿorolde. þonne ƿlihte hí heora áne ⁊ eallon heora æhton. butan hit ƿrúð-bēnan ƿindan:.

xxxvii. And Ʒif hƿá ýmbe cýningeƿ ƿeorh ƿýrpe. ƿí he hiƿ ƿeorƿe ƿcýlbiƷ ⁊ ealleƿ þæƿ þe he áƷe. Ʒif hit him on-Ʒeƿoðoð ƿeorðe. ⁊ Ʒif he hine laðian ƿille ⁊ maƷe. ðo þ̅ be þam ðeoƿercan áðe ofþe mid þuƿealban orðále. on Engla laƷe. ⁊ on Dena laƷe be þam þe heora laƷu ƿí:.

xxxviii. And Ʒif hƿá ƿorƿteal onƷean lah-ƿrht Eƿurteƿ ofþe cýningeƿ ahpri Ʒepýrce. Ʒilðe ƿēri ofþe ƿíte be þam þe ƿeoðæð ƿí. ⁊ Ʒif he Ʒeonbýrðe ⁊ ƿýlf Ʒepýrce þ̅ hine man áƿýlle. licƷe æƷilðe:.

xxxix. And Ʒif hƿá nunnan Ʒepemme ofþe ƿýðepan nýð-næme. Ʒebēte þ̅ ðeoƿe. ƿor Gode ⁊ ƿor ƿorolde:.

xl. And ƿmeaƷe man ƿýmle. on ²ælce ƿíran. hū man ƿýrmeƿt mæƷe ƿæð áƿeðian. þeoðe tó þearfe. ⁊ ƿrhtne cƿurten-ðom ƿriðorƿt áƿæran. ⁊ ³æghƿilce unlaƷa Ʒeorƿorƿt áƿýllan. ƿorþam þuƿh þ̅ hit ƿceal on earðe Ʒoðian tó áhte. þe man unƿrht áleeƷe. ⁊ ƿrhtƿurmeƿre lúƿige. ƿor Gode ⁊ ƿor ƿorolde:.

ments also, and naval armaments, in like manner, always when there may be necessity; so that the common need be provided for.

33. And it will be prudent, that, every year, immediately after Easter, ships of war be made ready.

34. And if any one of the people injure a ship of war, let him strictly make 'bōt' for it, and to the king the 'mund:' and if any one so injure it that it be useless, let him pay for it fully, and to the king the 'mund-bryce.'

35. And if any one return from the 'fyrd,' in which the king himself is, without leave, let him peril his estate.

36. And if 'morth'-workers, or perjurers, or notorious homicides, are so daring, that they dwell in the king's proximity, before they shall have undertaken 'bōt,' before God and before the world, then let them peril their estate and all their possessions; unless they are 'frith'-suppliants.

37. And if any one plot against the king's life, let him be liable in his life, and in all that he owns, if it be proved against him: and if he desire to clear himself, and may, let him do so with the most solemn oath, or with threefold ordeal, by the law of the English; and by the law of the Danes, according as their law may be.

38. And if any one, against the law of Christ or of the king, commit 'forsteal' anywhere, let him pay 'wēr' or 'wite,' as the deed may be: and if he resist, and himself so do that any one slay him, let him lie uncompensated.

39. And if any one defile a nun, or force a widow, let him make 'bōt' for that deeply, before God and before the world.

40. And let it ever be considered, in every way, how methods may chiefly be devised for the behoof of the nation, and true Christianity best exalted, and every illegality most effectually suppressed: because through that it shall turn to some good in the country, that injustice be abolished, and righteousness loved, before God and before the world.

XLII. Nū wille we eac lēran Godes þeōpas georne. ꝥ hī hupu hī gylfe wærllice beþencan. ⁊ þurh Godes fultum clænnesse lūfian. ⁊ georne heora bōcum ⁊ gebēdum fylgean. ⁊ dæges ⁊ nihtes. oꝥt ⁊ gelōme. clýpian tō Drihte. ⁊ for eal cnyten folc þingian georne:.

XLIII. ¹And gite we' willað mýngian georne fneonda gehwile. eal swa us neōð is gelōme tō dōnne. ²⁊ ꝥ gehwā hine gylfe georne beþence. ⁊ ꝥ he fram gýnnan georne gecýrpe. ⁊ oðrum mannum unrihtes rēfne. ³⁊ ꝥ he oꝥer ealle oðre þingc lufige his Drihten. ⁊ ꝥ he oꝥt ⁊ gelōme hæbbe on gemýnde ꝥ mannum is mæret þearf oꝥtaꝥt tō ⁴gemunenne. ꝥ is. ꝥ hī rihtne geleāfan ānwēdllice habban on þone rōðan God. þe is wealdand ⁊ wýrhta ealra gewearta. ⁊ ꝥ hī rihtne cnytenðōm rihtlice healðan. ⁊ ꝥ hī ⁵godecundum lareowan geornlice hýran. ⁊ Godes lārum ⁊ lazum ⁶rihtlice folgan. ⁊ ꝥ hī Godes cnycan æghwā georne gwiðian ⁊ frwiðian. ⁊ mid leōhte ⁊ lācum hi gelōme gegrietan. ⁊ hīg gylfe þær georne tō Drihte gebiddan:.

XLIV. And ꝥ hī Godes gewrhta. æghwile geara. mid rihte gelæsttan. ⁊ fneōlra ⁊ fæstena rihtlice healðan:.

XLV. And ꝥ hī Sunnan-dæges cýpinga ⁊ folcsepa gemōta georne gewrcan:.

XLVI. And ꝥ hī Godes þeōpas gýmle weþan ⁊ weorðian:.

XLVII. And ꝥ hī Godes þearfan fneofran ⁊ fēðan:.

XLVIII. And ꝥ hī ⁷wiðutan ⁊ fteop-cild tō oꝥt ne āhrænan. ac georne hī gladian:.

XLIX. And ꝥ hī ælfeodige men ⁊ weorpan cumene ne týwan ne ne týnan:.

XLX. And ꝥ hī oðrum mannum unriht ne beōðan ealles to fwiðe. ac manna gehwile oðrum beōðe ꝥ riht ꝥ he wille ꝥ man him beōðe. be þam þe ^ahit mæð fī. ^b⁊ ꝥ is fwiðe riht lagu:.

¹ Eac we gýt

⁴ gemunene

⁷ wýðeþan

² not in K.

⁵ godecundan

³ not in K.

⁶ geornlice fylgean

41. Now we will also earnestly instruct God's ministers, that at least they carefully consider themselves, and, with the succour of God, love chastity, and strictly attend to their books and prayers, and daily and nightly, oft and frequently, call to Christ, and earnestly pray for all Christian people.

42. We will also yet earnestly admonish every friend, as it is our duty frequently to do, that every one earnestly consider himself, and that he earnestly turn from sins, and that he correct other men for injustice, and that above all other things he love his Lord, and that he oft and frequently have in mind that of which it is most needful oftenest to remind men; that is, that they unanimously have orthodox belief in the true God, who is ruler and maker of all creatures; and that they rightly hold orthodox Christianity, and that they willingly obey the divine instructors, and willingly follow God's doctrines and laws; and that they everywhere willingly maintain the 'grith' and 'frith' of God's churches, and frequently greet them with light and with offerings, and that they there earnestly pray to Christ.

43. And that they lawfully render God's dues every year, and rightly hold festivals and fasts.

44. And that they strictly abstain from Sunday marketings and popular meetings.

45. And that they always defend and honour God's ministers.

46. And that they comfort and feed God's poor.

47. And that they do not too often oppress widows and step-children, but willingly gladden them.

48. And that they do not vex or provoke foreigners or comers from afar.

49. And that they do not altogether too much command injustice to other men; but that every man enjoin to others that justice which he desires shall be enjoined to him, according as it is reasonable; and that is very just law.

^a [Here probably, as at p. 336. c. xxix., we should read, ' be þam þe hīr mæð ȝī.—T'.]

^b Here ms. *D.* closes.

L. And seðe āhpaſ heonan-foſið rihte laza wýrde. Godeſ oþþon manna. geþeate hit georne. ſwa hƿæðon ſwa hit ge-
býrge. ſwa mid godcundre bote ſwa mid woroldcundre ſteorne.

LI. And gif foſ god-botan feoh-bot aſweð. ſwa ſwa ſiſe
worold-witan to ſteorne geſettan. þ̅ gebyreð rihtlice. be by-
copa dihte. to gebed-bigene. y to þearfena hýððe. y to cýric-
bote. y to lārdōme. y to ƿæde. y to riſte þam þe Gode
þeōrian. y to bōcan. y to bellan. y to cýric-ƿædan. y næfre
to woroldlican iðelan glengan. ac foſ worold-ſteōran to god-
cundan neōðan. hƿilum be ſiſe. hƿilum be ƿēr-gilde. hƿilum
be halſ-ſange. hƿilum be lah-ſihte. hƿilum be aſe. hƿilum be
æhte. y hƿilum be māpan. hƿilum be læſſan.

LII. And ā ſwa man bið mihtigra heſ nū foſ worulde.
oþþon þurh geþingða heaſra on hāde. ſwa ſceal he deōppor
ſýnna geþetan. y ælce miſdæda deōpan aſýlðan. foſþam þe
ſe maga y ſe unmaða ne beoð na gelice. ne ne maƿon na
gelice býrðene ahebban. ne ſe unhāla þe mā þam hālum
gelice. y þý man ſceal medmian. y geſcādlice toſcāðan. ge on
godcundan ſcwiſtan ge on woroldcundan ſteōran. ýlde y geð-
goðe. pelan y ƿædle. hæle y unhæle. y hāða gehƿilcne. And
giſ hit geƿeorðeð. þ̅ man unpilleſ oþþe ungeƿealdeſ æniſ
þing miſdeð. na bið þ̅ na gelic þam þe pilleſ y geƿealdeſ ſýlf-
pilleſ miſdeð. y eāc ſe þe nýð-ſýrhta bið þæſ þe he miſdeð.
ſe bið gebeorhgeſ y þý beteran dōmeſ ſýmle wýrde. þe he
nýð-ſýrhta þæſ þæſ þe he ƿorhte.

LIII. Ælce dæde toſcāde man ƿærllice. y ā dōm be dæde
ſaðige mid rihte. y medemiſe be mæðe. foſ Gode y foſ
worulde. y mihtige man foſ Godeſ ege. y liðige man georne.
y beorſe be dæle. þam þe þæſ þearf ſý. foſþam ealle ƿe
beſurpan þe uſ ýre Drihten oft y gelōme hiſ mihtge geunne.
Amen.

50. And he who anywhere henceforth shall corrupt just laws, either of God or of men, let him strictly make 'bōt' for it, in whatever manner is fitting, as well with divine 'bōt' as with secular correction.

51. And if for a 'god-bōt' a pecuniary 'bōt' shall arise, so as wise secular 'witan' may have established as a penalty, that belongs lawfully, by the direction of the bishops, to the buying of prayers, to the behoof of the poor, and to the reparation of churches, and to the instruction and to the clothing and to the feeding of those who minister to God, and for books, and for bells, and for church-garments; and never for worldly idle pomp, but as a secular correction for divine purposes, sometimes as 'wite,' sometimes as 'wer-gyld,' sometimes as 'hals-fang,' sometimes as 'lah-slit,' sometimes in estate, sometimes in goods; and sometimes in more, sometimes in less.

52. And ever, as any one shall be more powerful here in the eyes of the world, or, through dignities, higher in degree, so shall he the more deeply make 'bōt' for sins, and pay for every misdeed the more dearly; because the strong and the weak are not alike, and cannot raise a like burthen; no more than the unhale is like to the hale: moderation is therefore to be used; and discreetly are to be distinguished, both in divine shrifts and in secular corrections, age and youth, rich and poor, hale and unhale, and every order. And if it be, that any one unwillingly or unintentionally do anything amiss, he shall not be like to him who misdoes intentionally and of his own will: and also he who is an involuntary doer of that which he misdoes, he is ever worthy of protection and of the better doom, because he was an involuntary doer of that which he did.

53. Let every deed be carefully distinguished, and doom ever be guided justly, according to the deed, and be modified according to its degree, before God and before the world; and let mercy be shown, for dread of God, and kindness be willingly shown, and those be somewhat protected who need it; because we all need, that our Lord oft and frequently grant his mercy to us. Amen.

VII.

a BE LRIÐE AND BE MÜNDE.

i. Froder gnið iŕ ealra gniða ŕelaŕt tō geeapmianne. ⁊ geornorŕt tō healdanne. ⁊ þær nēhŕt þær cýnzer.

* i. þ. ii. Ðonne iŕ iuhelic. * ⁊ Froder cipe-gnið binnan pāgum. ⁊ cipeŕeneŕ cýningeŕ hand-gnið. ŕtande efen unpemme.

* i. beŕupfon. iii. And hŕilum pæran heāfoð-ŕteðar ⁊ heālice hāðar micelpe mæðe ⁊ munde pýrðe. ⁊ gniðian mihton þa þe þær * beforŕ. ⁊ þærto ŕōhtan. āā be þære mæðe. þe þærto gebýŕeðe. ⁊ þur hit ŕtōð on þam ðagum inne mið Englum.

iv. Ðæt gif ŕeoph-ŕeýlðig man cýning zeŕōhte. aŕcebiŕcop oþþon æðeling. þonne āhte he niȝon nihta gnið. ŕeope tō zebeorze. butan him ŕe cýng ŕúmpan fýrŕeŕ zeunnan polde.

v. And gif he zeŕōhte leōð-biŕcop. oþþe ealðorþman. oþþon heālicne heafod-ŕteðe. þonne āhte he .vii. nihta gnið. butan man lenȝ zeunnan polde.

vi. And on Lantpapa laȝe. cýning ⁊ aŕcebiŕcop āȝan ŕelicne ⁊ efen ðýŕne mund-bŕýce.

vii. And on þam laȝum. iŕ aŕcebiŕcopeŕ ŕeōh enðliŕan gilde. ⁊ cýnzer iŕ niȝon gilde.

viii. And Lŕiŕeŕ cipean mund-býrð iŕ efne ŕpa cýnzer.

ix. And on Suð-Engla laȝe. gnið-laȝu þur ŕtent. þ gif hŕā zeŕeohteð on cipean. oþþon on cýnzer hýŕe. þonne ŕí ŕor-ŕorht eal þe he āȝe. ⁊ ŕí on cýnzer ðōme hŕæðeŕ he líf āȝe þe nāȝe.

x. And gif hŕā zeŕeohteð on mýnŕeŕe butan cipean. ze-bēte eall mið ŕulpe bōte þ þær-tō gebýŕeȝe. be mýnŕeŕeŕ mæðe.

xi. And gif hŕā cýnzer mund-bŕice elleŕ zeŕýŕce. ze-bēte þ mið .v. pundum on Engla laȝe. aŕcebiŕcopeŕ ⁊ æðelingeŕ

^a [The text is from *G.*, collated with *D.*

VII.

OF 'GRITH' AND OF 'MUND.'

1. God's 'grith' is of all 'griths' the most excellent to deserve, and most earnestly to be preserved; and next thereto, the king's.

2. Then it is right that God's church-'grith,' within walls, and a Christian king's hand-'grith,' stand equally inviolate.

3. And formerly the chief places and exalted degrees were entitled to great dignity and 'mund,' and could give 'grith' to those who needed it, and sought it, always according to the dignity which appertained thereto: and thus it stood in those days among the English,

4. That if a man who had forfeited his life sought the king, the archbishop, or the 'ætheling,' then had he nine days 'grith,' for the saving of his life; unless the king would grant him a longer period.

5. And if he sought a suffragan bishop, or an 'ealdorman,' or an exalted chief place; then had he vii. days 'grith;' unless a longer should be granted him.

6. And in the law of the Kentish people, the king and the archbishop possess a like and equally dear 'mund-bryce.'

7. And in those laws, the archbishop's property is to be compensated elevenfold, and the king's, ninefold.

8. And the 'mund-byrd' of Christ's church is the same as the king's.

9. And in the South-Angles' law, 'grith'-law stands thus: that if any one fight in a church, or in the king's house; then let all he possesses be condemned, and let it be in the king's power whether he have life or not.

10. And if any one fight in a minster without a church, let him make 'bōt' for all, with full 'bōt,' which thereto appertains; according to the rank of the minster.

11. And if any one, in any other way, commit the king's 'mund-bryce,' let him make 'bōt' for it with v. pounds, by the

mund-bryce mid þrím pundum. oðres byrcoper ʒ ealðor-
manner mid .ii. pundum:.

xii. And ʒif man beforan æðelinge oþþe arcebircoper ʒe-
feohƿt āgimneð. mid .cl. ſcillinga ʒebēte. ʒif beforan oðran
byrcoper oþþe ealðor-men þiſ ʒelimpe. mid .c. ſcillinga ʒe-
bēte:.

xiii. And on Norð-Engla laze ſtent. ꝥ ʒeþe ofſleħð man
binnan cƿic-pāgum. he bið feorh-ſcýldiʒ. ʒ ʒeþe ʒepunðað ʒe
bið hand-ſcýldiʒ. ʒ ʒeþe man ofſleħð binnan cƿic-depum. ſýlle
þære cƿucan .cxx. ſciff. be Norð-Engla laze:.

xiv. And frugman ʒeþe * cƿicna on þære mund-býrde ʒe-
* cƿicne? ʒfelige ſýlle .xxx. ſciff:.

xv. And ʒeþe in cýnʒes býrug. oþþon on hiſ neapeſte.
feohƿteð oþþe ſteleð. he bið feorh-ſcýldiʒ. numþe him ʒe
cýning alýſan wille ꝥ man ƿer-ʒilðe alýſan móte:.

xvi. And ʒif ſorpoſht man fruið-ſcól ʒeſéce. ʒ þurh ꝥ
feorh ʒeýrne. þonne ſí þneðra ān ſor hiſ feorne. bute man
bet ʒeāſuan wille. ƿer-ʒilð. ece þeóſet. hengen-ƿitnung:.

xvii. And beð þæra þneðra ſƿýlc hit beð. ʒilðe he. þeóſige
he. ʒ þolige he. ſinðe boſh ʒif he mæʒe. ʒ ʒif he ne mæʒe.
þonne ſƿeſe he ꝥ he æſne ne ſtele. ne feoh ne ætbeſe. ne
ƿitnunge ne ƿſece:.

xviii. And ʒif he þiſſa æniʒ āleóʒe. nahpaſ he eſt hiſ
feorh ʒeſape. ne ʒeýrne:.

xix. Ðælneſ-ʒrið ʒ hād-ʒrið healde man mid ſihte. æſne
ſƿiðe ʒeorne. ʒ Godes laʒum ſýlʒe. ʒ láneopum hlýſte. ſƿa
þære-tó ʒebýrʒe. Byrcopaſ ſinðon býðelaſ. ʒ Godes laze
láneopaſ. ʒ hí ſcýlan ʒeorne. of ʒ ʒelóme. elſƿian tó Lſiſte.
ʒ ſor eal cƿiſten folc þinʒian ʒeornlice. ʒ hí ſcýlan boðian
ʒ býrnian ʒeorne ʒoðcunðe þeaſſe cƿiſtenſe þeðbe:.

xx. Seþe ofeſhogie ꝥ he heom hlýſte. hæbbe him ʒemæne
ꝥ wið God ſýlſne:.

xxi. Ac ſume men ſinðan þe ſor heora ƿrýtan. ʒ eác ſor
ʒebýrðan. ſorhogiað ꝥ hí hýſan ʒoðcunðan ealðran. ſƿa ſƿa

law of the English; an archbishop's and an 'ætheling's' 'mund-bryce,' with three pounds; another bishop's and an 'ealdorman's,' with II. pounds.

12. And if any one engage in a fight in the presence of an 'ætheling' or an archbishop, let him make 'bōt' with CL. shillings: if in presence of another bishop or an 'ealdorman' this happen, let him make 'bōt' with c. shillings.

13. And in the North-Angles' law it stands, that he who slays any one within church walls shall be liable in his life; and he who wounds shall be liable in his hand; and let him who slays any one within church doors give to the church cxx. shillings, according to the North-Angles' law.

14. And let a freeman who harms a living person in his 'mund-byrd' pay xxx. shillings.

15. And he who fights or steals in the king's 'burh,' or in his proximity, shall be liable in his life; unless the king will allow him to be redeemed by his 'wergild.'

16. And if a man who has forfeited his life seek a sanctuary, and thereby gain refuge for his life; let there then be one of three for his life, unless he obtain remission more favourably; 'wer-gild,' perpetual thraldom, imprisonment.

17. And be it of these three whichever it may; whether he pay, whether he serve, or whether he suffer; let him find 'borh,' if he can; and if he cannot, then let him swear, that he will never, neither steal, nor bear away cattle, nor avenge his punishment.

18. And if he belie any of these, let him proceed nowhere again for his life, nor gain refuge.

19. Let 'hælnes-grith' and 'had-grith' be lawfully observed, always very strictly; and God's laws followed, and teachers listened to, as is becoming thereto. Bishops are heralds, and teachers of God's law; and they shall fervently, oft and frequently, call to Christ, and mediate diligently for all Christian people; and they shall preach and diligently set example, for the religious behoof of a Christian nation.

20. For him who scorns to listen to them, let that be only between him and God himself.

21. But there are some men who on account of their pride, and also on account of birth, scorn to obey divine superiors,

hī ƿceolban. ƿif hī riht ƿolban. ⁊ āginnað of hýrran ꝥ hī ƿcolban heƿuan. ⁊ taliað þe ƿýrran. for heanan gebýrðan. þa þe heora ýlðran on ƿorolde ne ƿurðan ƿeliƿe ne ƿlance. þurh ƿorolb-ƿlænƿe. ne on lænan līf-ƿæce. ƿance ne ƿice. ac þa ne beoð na ƿife ne ƿullice ƿercade. þe Gode nellað hýrran. ne bet underſtandan hū of he of lýtlan āræpre to miclan. þa þe him hýrðan. ⁊ mið rihte ƿecƿædon. Þe ƿitan ꝥ þurh Godeſ ƿýfe þræl ƿearð to þegene. ⁊ ceorl ƿearð to eorle. ƿanƿere to ƿacepre. ⁊ bōcere to biſcope:.

xxii. And hrīlum ƿearð ƿeorðen. ƿra ƿra God ƿolde. ƿceap-hýrde to cýnƿe. ⁊ re ƿearð ƿriðe mæpre. eac ƿearð ƿeorðen. ƿra ƿra God ƿolde. ƿicepre to biſcope. ⁊ re ƿæf ƿriðe dýfe ⁊ Ljufte ƿecpreme:.

xxiii. Ðilce riðan Godeſ ƿýra. þe eāfe mæg of lýtlan ārærran to miclan. eall ꝥ he ƿýlf ƿile. eal ƿra re ƿealm-ƿcōp ƿoðlice ƿæde. þa þa he þur ƿanƿ. Quir ƿicut Dominus Deus noſter. ƿc. ƿurcraſ a terra inopem. ⁊ de ƿtercōpe erigen ƿauperem. ut collocet eum cum ƿrincipibur. cum ƿrincipibur ƿopuli sui. ƿƿýlc underſtandað þa þe Godeſ ege habbað. ⁊ ƿiðomeſ ƿýmað:.

xxiv. And ƿife eac ƿæron on ƿear-dagum ƿorolb-ƿitan. þe æpre ƿerettan to ƿodcundan riht-laƿan ƿorlð-laƿa. biſcopan ⁊ ƿehālƿedan heāpan. ⁊ hālƿðm ⁊ hāðar. for Godeſ luſan. ƿeorðedan. ⁊ Godeſ hūf ⁊ Godeſ þeðar deōplice ƿriðedan:.

xxv. And on hrām mæg huru æpre æniƿ man on ƿorolde ƿriðor God ƿurðian þonne on circan ⁊ on hælneſſan. ⁊ eft on ƿehālƿedan heālican hāðan:.

xxvi. And la hƿilcan ƿeƿance mæg æniƿ man æpre huru-þinƿa ꝥ ðōn. ꝥ he hine on circan ƿeorne gebiðde. ⁊ to Godeſ ƿeoreðan ƿeornlice gebuƿe. ⁊ ær oþþon æfter. inne oþþe ūte. circan beſýfe. ⁊ ƿýrde oþþe ƿaniƿe ꝥ to circan gebýrƿe:.

xxvii. Oþþon hƿilcan ƿeƿance mæg æniƿ man æpre ƿeƿencan on hif mōðe. ꝥ he to ƿacepðan hearð ahýlde. ⁊ bletſunge ƿýrpe. ⁊ heora mærran on circan ƿerðande. ⁊ æt hlāf-ƿange heora hand cýrre. ⁊ ƿona þær-æfter hī hræðlice riþþan ƿcýrde oþþe ƿcýnde. mið ƿorðe oþþe ƿeorce:.

as they ought to do, if they desired right; and often apply themselves to blame what they ought to praise, and account the worse, for their humble birth, those whose forefathers were not in the world either wealthy or proud, through worldly splendour, nor, in this transient space of life, flourishing or powerful: but these are neither wise nor wholly discreet, who will not obey God, nor better understand, how often he has from little raised to great, those who obeyed him and justly spake. We know that through God's grace a thrall has become a thane, and a 'ceorl' has become an 'eorl,' a singer a priest, and a scribe a bishop.

22. And formerly, so as God decreed, a shepherd became a king, and he was very great: also, so as God decreed, a fisher became a bishop, and he was very dear and acceptable to Christ.

23. Such are the gifts of God, who can easily from little raise to great, all that he himself will, so as the psalmist truly said, when he thus sang: *Quis sicut Dominus Deus noster, &c. suscitans a terra inopem, et de stercore erigens pauperem, ut collocet eum cum principibus, cum principibus populi sui:* he understands those that have fear of God, and heed wisdom.

24. And wise were also in former days those secular 'witan' who first added secular laws to the just divine laws, for bishops and consecrated bodies; and revered, for love of God, sanctity, and the sacred orders; and God's houses and God's servants firmly protected.

25. And in what, indeed, can ever any man in the world worship God more zealously than in churches and in sanctuaries, and besides, in the sacred high orders.

26. And, oh! with what thought can any man, indeed, so do, that he fervently pray in church, and zealously bow to God's altars, and before or after, within or without, plunder the church, and corrupt or impair that which to the church belongs.

27. Or with what thought can any man ever think in his mind, that he inclines his head to the priests, and desires blessing, and attends their masses in church, and kisses their hand at the passing of the bread, and then straightway thereafter should injure or revile them by word or deed.

xxviii. Æc hálhðóm ƿ hāðar ƿ gehálhðode Godeƿ hūƿ. ā man ƿceal ƿor Godeƿ ege ƿeorðian gehorƿne. ƿ inƿerðre heorƿtan ærre Gode lūƿian:.

xxix. And eāc iƿ micel nŷð-ƿearƿ manna gehƿŷlcum. ꝥ he oðrum beōðe ꝥ ƿiht ꝥ he ƿille ꝥ man him beode. be þam ƿe hiƿ mæð ƿī:.

xxx. Calle ƿe habbað ænne heorƿnlicne ƿæðer. ƿ āne gāƿtlice mōðor. reð iƿ Eccleſia genamod. ꝥ iƿ Godeƿ cƿiuce. ƿ þŷ ƿe ƿin gehƿðra:.

xxxi. And þonne iƿ ƿihtlic eāc. ꝥ ŷre ælc oðerne healbe mid ƿihte. ƿ ꝥ ælc cƿiuce ƿī ærre on Godeƿ Ealmyhtiger gƿiðe. ƿ on ealles cƿiƿteneg ƿolceƿ. ƿor-þam ælc cƿiuc-gƿið iƿ

* l. Lƿiƿter.

* Lƿiƿteneg āgen gƿið. ƿ ælc cƿiƿten man āh micle ƿearƿe ꝥ he on þam gƿiðe micle mæðe ƿite:.

VIII.

^a1 HÆC INSTITUERUNT ²ÆDELREDUS ³REX ET
SAPIENTES EJUS APUD HABAM.

DE DENARIO SANCTÆ ECCLESIAE DANDO ET
DECIMATIONE THAYNORUM.

1. Inprimis, ut unus Deus super omnia diligatur et honoretur, et ut omnes regi suo pareant, sicut antecessores sui melius fecerunt, et cum eo pariter defendant regnum suum. Et constituerunt inprimis Dei misericordiam et auxilium invocare jejuniis, eleemosinis, confessione, et abstinence, ⁴et malefactis et injustitia ⁵abstinere. ⁶Et ut detur de omni caruca denarius vel ⁷denarium valens, et omnis qui familiam habet, efficiat, ut
omnis

¹ Hoc *M. Hk.* ² Ethelredus *Br.* ³ add. *M. Hk.* ⁴ a *M. Hk.* ⁵ not in *M. Hk.* ⁶ Hoc est *M. Hk.* ⁷ denarii *M. Hk.*

^a [The text is Bromton's, collated with the Macro and Holkham mss. The rubrics, which are wanting in both mss., are from Bromton. —*T.*]

28. But sanctity and sacred orders, and the hallowed houses of God, shall always be zealously venerated, for dread of God, and God, with inward heart, be ever loved.

29. And it is also much needful to every man, that he enjoin to others that justice which he desires shall be enjoined to him, according as his condition may be.

30. We have all one heavenly father, and one spiritual mother, which is called 'Ecclesia;' that is God's church; and, therefore, are we brothers.

31. And then it is also just, that each of us observe justice towards another; and that every church be always in the 'grith' of God Almighty, and of all Christian people; because every church-'grith' is Christ's own 'grith,' and every Christian has great need that he hold in great respect that 'grith.'

omnis ¹hirmannus suus det unum denarium; ²quod si non habeat, det dominus ejus pro eo; et omnis thaynus decimet totum quicquid habet.

DE JEJUNIO ET FERIATIONE TRIUM DIERUM ANTE FESTUM SANCTI MICHAELIS.

II. Et instituimus, ut omnis Christianus qui ætatem habet, jejunet tribus diebus in pane et aqua, et bis crudis, ³ante festum Sancti Michaelis.' Et omnis homo ad confessionem vadat et nudis pedibus ad ecclesiam, et peccatis omnibus abrenunciet emendando, cessando. Et eat omnis presbyter cum populo suo ad processionem tribus diebus nudis pedibus; et super hoc cantet omnis presbyter xxx. missas, et omnis diaconus et clericus xxx. psalmos, et appareatur tribus diebus corredium uniuscujusque sine carne in cibo et potu, sicut idem comedere deberet, et dividatur hoc totum pauperibus. Et sit omnis servus liber ab opere illis tribus diebus, quo melius jejunare possit, et operetur sibimet quod vult. Hi sunt illi tres dies, dies Lunæ, dies Martis, et dies Mercurii proximi

¹ hyremannus *M. Hk.*

² qui *Hk.*

³ not in *M. Hk.*

ante festum Sancti Michaelis. Si quis jejunium suum infringat, servus corio suo componat, reddat liber pauper xxx. d., et regis ¹thaynus cxx. sol. et dividatur hæc pecunia pauperibus. Et sciat omnis presbiter, et tungravius, et decimales homines, ut ²hæc eleemosina⁷ et jejunium perveniat sicut in Sanctis jurare poterunt.

QUID REGI ET POPULO OMNI DIE SIT CANTANDUM.

iii. Et præcipimus, ut in omni congregatione cantetur cotidie communiter pro rege et omni populo suo una missa ad matutinalem missam, quæ inscripta est contra paganos. Et ad singulas horas decantet totus conventus extensis membris in terra psalmum, 'Domine ³quî multiplicati sunt,' et collectam contra paganos; et hoc fiat quamdiu necessitas ista nobis est in manibus. Et in omni cænobio vel conventu monachorum, celebret omnis presbyter singillatim xxx. missas pro rege et omni populo; et omnis monachus ⁴dicat xxx. psalteria.

DE CONSUETUDINIBUS SANCTÆ DEI ECCLESIAE REDDENDIS.

iv. Et præcipimus, ut omnis homo, super dilectionem Dei et omnium sanctorum, det cyricsceattum et rectam decimam suam, sicut in diebus antecessorum nostrorum ⁵stetit, quando melius ⁵stetit; hoc est, sicut aratrum peragrabit decimam acram. Et omnis consuetudo reddatur super amicitiam Dei ad matrem ⁶nostram ecclesiam cui adjacet. Et nemo auferat Deo quod ad Deum pertinet, et ⁷præcessores nostri concesserunt.⁸

NE QUIS VENDATUR EXTRA PATRIAM.

v. Et prohibemus ne quis extra ⁹patriam vendatur. Si quis hoc præsumat, sit præter benedictionem Dei et omnium sanctorum, et præter omnem christianitatem, nisi pœniteat et emendet, sicut episcopus suus edocebit.

DE ROBARIA.

vi. Et prohibemus omnem robariam omni homini; et sit omnis homo dignus jure publico, pauper et dives; et reddatur

¹ tainus *M. Hk.* ² hæ eleemosinæ *Br.* ³ quid *M. Hk.* ⁴ not in *M. Hk.* ⁵ stetit *M. Hk.* fecit *Br.* ⁶ add. *Br.* ⁷ prædecessores *M. Hk.* ⁸ ei add. *M. Hk.* ⁹ not in *M. Hk.*

omnis robaria, si quis aliquam fecerit, ¹et emendet, sicut prius et postea ²stetit; et si quis præpositus eam fecerit, dupliciter emendet quod alii judicaretur.

DE ELEEMOSINIS ET RECTITUDINIBUS ECCLESIE.

VII. Et reddatur pecunia eleemosinæ ³hinc ad festum Sancti Michaelis, si alicubi retro sit, per plenam vitam; et omnibus annis deinceps reddantur Dei rectitudines in omnibus rebus quæ supradictæ sunt, per amicitiam Dei et sanctorum omnium, ut Deus Omnipotens misericordiam nobis faciat, et de hostibus triumphum nobis et pacem indulgeat; quem sedulo deprecemur, ut misericordiam ejus consequamur hic ⁴et gratiam, et in futuro, requiem sine fine. ⁴Amen.

¹ *add. M. Hk.*

² *stet M. fecit Br.*

³ *hic Br. hñc Hk.*

⁴ *add. M. Hk.*

IX.

^a ANNO M.XIII. AB INCARNATIONE DOMINI
NOSTRI JESU CHRISTI.

BE LIRIL-LRIDE.

i. Ðiſ iſ ān þāpa ƿeƿædneſſa þe Engla ¹cýning ƿeðhte mið hiſ ƿitena ƿeƿeahte. þ̅ iſ æſeſt. þ̅ he ƿile þ̅ ealle Godeſ cýrcan beon fullſ ƿuðeſ ƿuſðe. ƿ ƿiſ æſſe æniȝ man heonan-foſð Godeſ cýrc-ƿuð ſƿa āþnece þ̅ he binnon cýrc-ƿāȝum man-ſlaȝa ƿeoſðe. þonne ſi þ̅ bōtleāſ. ƿ ehte hiſ ælc þāpa þe Godeſ ƿneonð ſi. buton þ̅ ƿeƿuſðe þ̅ he þanon ætbeſſe. ƿ ſƿa deoſe ƿuð-ſōcne ƿeſſe þ̅ ſe cýningc him þuſ þ̅ ƿeoſe ƿeunne. ƿið ſulſe bōte. ƿe ƿið God ƿe ƿið men:.

ii. And þ̅ iſ þonne æſeſt. þ̅ he hiſ āgenne ƿeſ ƿeſſe þam cýningc ƿ Lſſe. ƿ mið þam hine ſſſe inlaȝe tō bōte. foſþam cſſten cýning iſ Lſſeſ ƿeſſe ƿeſſe on cſſtenne þeode. ƿ he ſceal Lſſeſ ābiȝðe ƿnean ſſiðe ƿeoſne:.

iii. And ƿiſ hit þonne tō bōte ƿeſā. ƿ ſe cýngc þ̅ ƿe-þaſe. þonne bēte man þ̅ cýrc-ƿuð into ²þaſe cýrcan. be þaſ cýningeſ fullan mund-bſſe. ƿ þa mýnſteſ-clānſunge beȝte. ſƿa þaſto ƿeþſſe. ƿ ƿið God huſu þingian ƿeoſne:.

iv. And ƿiſ ³elſe be cýrcum mannum cýrc-ƿuð āþrocen beo. bētan man ƿeoſne be þam þe ſeð dæð ſi. ſi hit þuſ ƿeoht-lāc. ſi hit þuſ neaſ-lāc. ſi hit þuſ unſiht hæmed. ſi þuſ þ̅ þ̅ hit ſi. bēte man æſſe æſeſt þone ƿuð-bſſe into þaſe cýrcan. be þam þe ſeð dæð ſi. ƿ be þam þe þaſe cýrcan mæð ſi:.

v. Ne ſin ealle cýrcan nā ƿeſſe mæðe ƿoſſice ƿſðe. þeāh hi ƿoðcundlice habban hālȝunge ƿeſſe. Neaſoð-mýnſteſ ƿuð-bſſe. æt bōt-ƿuðan þingian. bēte man be cý-

¹ cýningc² þaſe³ add.

IX.

^a ANNO M.XIII. AB INCARNATIONE DOMINI
NOSTRI JESU CHRISTI.

OF CHURCH-‘GRITH.’

1. This is one of the ordinances which the king of the English composed with the counsel of his ‘witan.’ That is first: that he will that all God’s churches be entitled to full ‘grith;’ and if ever any man henceforth so violate God’s church-‘grith,’ that he be a homicide within church walls, then be that ‘bōtless;’ and let every one of those who are friends to God pursue him; unless it happen that he escape thence, and seek so awful a sanctuary, that the king through that grant him life, against full ‘bōt,’ both to God and to men.

2. And that then is first, that he pay his own ‘wēr’ to the king and to Christ, and thereby inlaw himself to ‘bōt:’ because a Christian king is accounted Christ’s vicegerent among Christian people, and his duty it is to avenge offence to Christ very severely.

3. And if it then come to ‘bōt,’ and the king allow it, then let ‘bōt’ be made for the church-‘grith’ to that church, according to the king’s full ‘mund-bryce;’ and let purification of the minster be gotten, as is thereto befitting; and especially let intercession be fervently made with God.

4. And if else, no man being slain, church-‘grith’ be broken, let ‘bōt’ be strictly made, as the deed may be: be it through fighting, be it through robbery, be it through fornication, be it through what it may; first, let ‘bōt’ be made for the ‘grith-bryce’ to the church, as the deed may be, and as the rank of the church may be.

5. All churches are not secularly entitled to equal rank, although divinely they have like consecration. For the ‘grith-bryce’ of a chief minster, in cases entitled to ‘bōt,’ let ‘oōt’ be

^a [The text is from *G.*; the various readings are from *D.*—*T.*]

ninges munde. þ 1r. mid .v. pundum on Engla lage. 7 medeiman mýnstrer. mid hund-terftigan reift. þ 1r. be cýninges ríte. 7 þonne 7it lærran mid rixtigán reillinga. 7 æt felð-cýrcan mid .xxx. reift. A reeal mid rihte dóm æftere dæde. 7 medemung be mæde:.

vi. And be teoðunge. re cýng 7 hir ritan habbað gecopen 7 gecroden. ealra hit riht 1r. þ þriððan dæl þare teoðunge þe tó cýrcan gebýrge 7á tó cýrc-bóte. 7 oðer dæl þam Godeþ þeopum. þriðde Godeþ þearfum 7 earman þeoretlingan:.

vii. And rite cristenra manna gehwile. þ he hir Drihtene hir teoðunge. á 7ra reo riht þone teoðan æcer 7egá. rihtlice gelæfte. be Godeþ miltre. 7 be þam rihtan ríte. þe Eaðgar cýninge gelagode. þ 1r.

viii. Tri þra teoðunge rihtlice gelæftan nelle. þonne þare tó þæs cýninges 7eréþa. 7 þæs mýnstrer mæsse-þreof. oþþe þæs land-ričan. 7 þæs byrcoper 7eréþa. 7 niman unþancer þone teoðan dæl to þam mýnstrer þe hit tó-gebýrge. 7 tæcan him tó þam rihtodan dæle. 7 tóðæle man þa eahta dælar on trá. 7 rō re land-hlāforð tó healfum. tó healfum re byrcop. ri hit cýninges man ri hit þegner:.

ix. And ri ælc 7eogude teoðung gelæft be Pentecosten. be ríte. 7 eorð-þærtma be emnihte. oþþe hupu be Ealra Dālgena mærran:.

x. And Rom-7eoh gelæfte man æghwile 7eare be Petres mærran. 7 reþe þ nelle gelæftan rielle þar-tó-eācan .xxx. peninga. 7 riðe þam cýninge .cxx. reift:.

xi. And cýrc-7ceat gelæfte man be Martynus-mærran. 7 reþe þ ne gelæfte forriðe hine mid terfþealdan. 7 þam cýninge .cxx. reift:.

xii. Sulh-ælmerran gebýreð þ man gelæfte be ríte æghwile 7eare. þonne .xv. niht beoð āgān ofer Earter-tið. 7 leoht-7ercot gelæfte man tó Eandel-mærran. dō oftor reþe rielle:.

xiii. And riapl-7ceat 1r rihtast þ man riymle gelæfte á æt openum 7ræfe:.

made according to the king's 'mund,' that is, with v. pounds by English law; and of a minster of the middle class, with a hundred and twenty shillings, that is, according to the king's 'wite:' but of a yet less, with sixty shillings; and for a field church, with xxx. shillings. Judgment shall ever be with justice, according to the deed, and mitigation according to its degree.

6. And respecting tithe; the king and his 'witan' have chosen and decreed, as is just, that one third part of the tithe which belongs to the church go to the reparation of the church, and a second part to the servants of God; the third to God's poor, and to needy ones in thralldom.

7. And be it known to every Christian man, that he pay to his Lord his tithe justly, always as the plough traverses the tenth field, on peril of God's mercy, and of the full 'wite,' which king Edgar decreed; that is:

8. If any one will not justly pay the tithe, then let the king's reeve go, and the mass-priest of the minster, or of the 'land-rice,' and the bishop's reeve, and take forcibly the tenth part for the minster to which it is due, and assign to him the ninth part; and let the eight parts be divided into two, and let the land-lord take possession of half, half the bishop; be it a king's man, be it a thane's.

9. And let every tithe of young be paid by Pentecost, on pain of the 'wite;' and of earth-fruits by the equinox, or, at all events, by Allhallows' mass.

10. And let Rome-'feoh' be paid every year by St. Peter's mass; and let him who will not pay it give in addition xxx. pence, and to the king pay cxx. shillings.

11. And let church-scot be paid by Martinmass; and let him who does not pay it indemnify it with twelvefold, and cxx. shillings to the king.

12. Plough-alms, it is fitting that they be paid, on pain of the 'wite,' every year, when xv. days are passed after Easter-tide; and let light-scot be paid at Candlemass; let him do it oftener who will.

13. And it is most proper that soul-scot be always paid at the open grave.

xiv. And ealle Godes gerhta fýrðrge man georne eal
gpa hit þearf iſ:

xv. And gif hƿā þ̅ nelle. gepilde man hine tō rihte mid
porlðicre ſceðre. ƿ þ̅ ſī gemæne Ēlſte ƿ cýninge. eal gpa
hit iu pær:

xvi. And fpeólſa ƿ fæſtena be ſiſte healde man rihtlice:

xvii. And ¹Sunnan-daga cýringa forbeðde man georne be
fullan porlð-ſiſte:

xviii. And peorod-þēna mæðe medernge man for Godes
ege:

xix. Giſ man mæſſe-ſneort rihtlice. þe gegollice libbe
²ānfealðne fpreæce. mæſſige gif he ðurpe. ƿ laðige hine on
þam hufle. fýlf hine fýlfne. ƿ æt ³þrumfealðne fpreæce.
laðige gif he ðurpe. eac on þam hufle. mid tƿām hiſ gehādan:

xx. Giſ man diacon rihtlice. þe gegollice libbe. ānfealðne
fpreæce. nime tƿegen hiſ gehādan ƿ laðige hine mid þām. ƿ
gif man hine rihtlice þrýfealðne fpreæce. nime fix hiſ ge-
hādan. ƿ laðige mid þām. ƿ beo he fýlf georðaða:

xxi. Giſ man folcſcne mæſſe-ſneort mid rihtlan belecge.
þe gegol-ſiſ næbbe. laðige hine gpa gpa diacon þe gegol-⁴ſiſ
libbe:

xxii. Giſ man fpeonðleāſne peorod-þēn mid rihtlan belecge.
þe āð-fultum næbbe. gā to corpnæde. ƿ þar þonne æt gefaſe
þ̅ þ̅ God pille. buton he on hufle laðian mōte:

xxiii. And gif man gehādodne mid fæhðe belecge. ƿ gecge
þ̅ he pæſe dæð-bana oþþe riæð-bana. laðige mid hiſ maſan þe
fæhðe mōton mid-beſan. oþþe forpe-bētan:

xxiv. And gif he ſī mægleāſ. laðige mid gefēpan. oþþe
faſte tō corpnæde. ƿ þaræt gefaſe þ̅ þ̅ God riæde:

14. And let all God's dues be furthered diligently, as is needful.

15. And if any one refuse that, let him be compelled to what is right by secular correction; and let that be in common to Christ, and to the king, as it formerly was.

16. And let festivals and fasts be rightly held, on peril of the 'wite.'

17. And let Sunday marketings be strictly forbidden, on peril of full secular 'wite.'

18. And let the rank of the servants of the altar be respected for fear of God.

19. If a mass-priest, living according to rule, be accused in a simple suit, let him celebrate mass, if he dare, and clear himself on the housel, himself alone: and in a triple suit, let him clear himself, if he dare, likewise on the housel, with two of his fellow ecclesiastics.

20. If a deacon, living according to rule, be accused in a simple suit, let him take two of his fellow ecclesiastics, and clear himself with them: and if he be accused in a triple suit, let him take six of his fellow ecclesiastics, and clear himself with them, and be himself the seventh.

21. And if a secular mass-priest be charged with an accusation, who follows no life of rule, let him clear himself so as a deacon, who lives a life of rule.

22. If a friendless servant of the altar be charged with an accusation, who has no supporters to his oath; let him go to the 'corsnæd,' and then thereat fare as God will, unless he may clear himself on the housel.

23. And if any one charge one in holy orders with 'fæhthe,' and say that he was a perpetrator or adviser of homicide, let him clear himself with his kinsmen, who must bear the 'fæhthe' with him, or make 'bōt' for it.

24. And if he be kinless, let him clear himself with his associates, or fast for 'corsnæd;' and thereat fare as God may ordain.

xxv. And ne þearf ænig mýnſter-munuc áhran mid rihte fæhð-bóte biððan. ne fæhð-bóte bétan. he gæð of hýr mæg-laſe þonne he gebýhð tó neſol-laſe.

xxvi. Gif mægſe-ſneort man-ſlaſa purðe. ofþe elles mán-peorc tó riðe ƒerurce. þonne þoliſe he ægðneſ. ƒe háðeſ ƒe earðeſ. ⁊ ſſæcnige ſſa ſiðe ſſa papā him ſcſſſe. ⁊ dæd-béte ƒeorne.

xxvii. Gif mægſe-ſneort áhran ſtande on leáſſe ƒerit-neſſe. ofþe on mænan áðe. ofþe þeóſa ƒerita ⁊ ƒereophſta beo. þonne ſi he áforpen of ƒeháðoðſa ƒemanan. ⁊ þoliſe ægðeſ ƒe ƒeſerſcipeſ ƒe ſneonðſcipeſ ƒe æghſilceſ purðſcipeſ. buton he rið God ⁊ rið men þe deóſlicor ƒebéte. fullice ſſa biſcop him tæce. ⁊ him boſh ſinde. þ he þanan-forð æſſe ſſilceſ ƒeſſice. ⁊ ƒſ he laðian ſille. ƒeladiſe be dæðe mæðe. ſſa mid þſſeálðne ^a [ſſa mid anſealðne] laðe. be þam þe ſeó dæð ſi.

xxviii. Gif peoſod-þen. be bóca tæcniſe. hýr áſen líſ rihtlice ſadiſe. þonne ſi he fuller þeſn-ſeſeſ ⁊ peoſðſcipeſ purðe. ƒe on líſe ƒe on leſeſe.

xxix. And ƒiſ he hýr líſ miſſadiſe. panige hýr peoſðſcipe. be þam þe ſeó dæð ſi.

xxx. Riſe ƒiſ he ſille ne gebýnað him nán þinſe ne tó ſiſe ne tó poſlð-ſiſe. ƒiſ he Godde ſile rihtlice hſſan ⁊ Goddeſ laſa healðan. ſſa ſſa hýr háðe ƒedaſenað mid rihte.

xxxi. Ac pe leáſað ƒeorne ⁊ líſlice biððað. þ ælceſ háðeſ man þam líſe libban þe heom tó-ƒebýſiſe. ⁊ heonan-forð pe ſillað. þ abbodaſ ⁊ munecaſ neſollicor libban þonne hí nú æſ þſan on ƒeſunan hæſdon.

xxxii. And ſe cýnſe beóðeð eallum hýr ƒeſeſan on æghſilceſe ſtope. þ ƒe þam abbodan æt eallum poſlð-neóðum beoſan ſſa ƒe beſſe maſon. ⁊ be þam þe ƒe ſillan Goddeſ ofþe múnne ſneonðſcipe habban. ſſſtan heoſa ſicneſan æghſan tó

^a [Supplied from

25. And no minster-monk may anywhere lawfully demand 'fæhthe-bōt,' nor pay 'fæhthe-bōt:' he forsakes his law of kin when he submits to monastic law.

26. If a mass-priest become a homicide, or otherwise flagrantly commit crime, let him then forfeit both his order and his country, and be an exile as far as the pope may prescribe to him, and strictly do penance.

27. If a mass-priest stand anywhere in false witness, or in perjury; or be cognizant and perpetrator of thefts; let him then be cast out from the community of ecclesiastics, and forfeit both their society and friendship and every dignity; unless he the more deeply make 'bōt' to God and men, entirely as the bishop may direct him; and find himself 'borh,' that thenceforth he will ever abstain from the like: and if he desire to clear himself, let him clear himself according to the degree of the deed, either with a threefold or with a simple 'lād,' according as the deed may be.

28. If a servant of the altar, by the instruction of books, his own life rightly order, then let him be entitled to the full 'wēr' and dignity of a thane, both in life and in the grave.

29. And if he disorder his life, let his honour wane, according as the deed may be.

30. Let him know, if he will, that it befits him not to have any concern either with woman or with temporal war; if he desire uprightly to obey God, and observe God's laws, as is properly becoming to his order.

31. And we earnestly instruct, and affectionately beseech, that men of every order live that life which is becoming to them: and we will that henceforth abbots and monks live more according to rule than before this they had in custom.

32. And the king commands all his reeves, in every place, that ye protect the abbots on all secular occasions, as ye best may; and as ye desire to have God's or my friendship, that ye aid their stewards everywhere to right; that they themselves

rihte. ꝥ heō ȝylfe maȝan þe oꝛtop on mȳnȝtrum fæȝte
ȝepunian ȝ neȝollice libban:.

xxxiii. And ȝif man ȝehādodne oþþe ælþeōðigne man þurh
æniȝ ¹þinȝe ȝorfræde. æt feō oþþe æt feorne. oþþe hine
bænde. ²oþþe hine beate. oþþe ȝebyrmyȝe on æniȝe ȝifan.
þonne ȝceal him cȳnȝe beon ȝor mæȝ. ȝ ȝor mund-borpan.
buton he eller oðerne hæbbe:.

xxxiv. And bēte man æȝðer ȝe him ȝe þam cȳnȝe. ȝpa
ȝpa hit ȝebȳȝe. be þam þe feō dæð ȝif. oþþe he þa dæde
ȝiece ȝriðe dēore:.

xxxv. Elyttenum mannum ³ȝebȳneð ȝriðe rihte. ꝥ he
Eodeȝ abilȝðe ȝiece ȝriðe ȝeorne:.

xxxvi. And ȝife ȝæran ȝorlð-ȝitan þe tō ȝodcundan riht-
lagan ȝorlð-laga ȝettan. ȝolce tō ȝeōrne. ȝ Elytȝe ȝ ⁴cȳninge
* þæt? ȝerihatan þa bōte. * þar man ȝpa ȝcolde manega ȝor neōðe
ȝerilðan tō rihte:.

xxxvii. Ac on þam ȝemōtan. þeāh næðlice ȝurðan on
nāmcuðan ȝtopan. æfter Eadȝāneȝ hīr-dāȝum. Elytȝe laȝe
panodan. ȝ cȳningeȝ laȝe lȳtleðon:.

xxxviii. And þa man ȝetpæmde ꝥ ær ȝæȝ ȝemæne Elytȝe
ȝ cȳningeȝ on ȝorlðliceȝ ȝeōrne. ȝ ā hit ȝeorð þe ȝȳȝe ȝor
Eode ȝ ȝor ȝorlðe. cume nū tō bōte. ȝif hit Eod ȝille:.

xxxix. And ȝit mæȝ þeāh bōt cuman. ȝille hit man ȝeorne
on eornoȝt āȝinnan:.

xl. And ȝif man earð ȝille rihtlice clænȝian. þonne mōt
man ȝmeaȝan ȝ ȝeornelice ȝȳȝuan hȝar þa mānfullan ȝununge
habban þe nellað ȝerȝican. ne ȝor Eode bētan. ac ȝpa hȝar
ȝpa hī man ȝinde. ȝerilðe hī tō rihte. þanceȝ oþþe unþanceȝ.
oþþe hī āȝȳȝe mid ealle oꝝ earðe. buton hī ȝebuzan ȝ tō
rihte ⁵ȝependan:.

xli. Elytȝe munuc oþþe mæȝȝe-ȝneorȝ ȝiðerȝaca ȝurðe mid
ealle. he ȝif āmānȝumod æȝȝe. buton he þe næðliceȝ ȝebūȝe
to hȝ þeapȝe:.

may the more uninterruptedly dwell closely in their minsters, and live according to rule.

33. And if any one wrong an ecclesiastic or a foreigner, through any means, as to money or as to life; or bind, or beat, or insult him in any way; then shall the king be unto him in the place of a kinsman and of a protector, unless he else have another.

34. And let 'bōt' be made both to him and to the king, as is fitting, according as the deed may be; or let him avenge the deed very deeply.

35. It is very justly incumbent on Christian men, that they very diligently avenge any offence against God.

36. And wise were those secular 'witan' who to the divine laws of right added secular laws, for the people's government; and directed the 'bōt' to Christ and the king, that many should thus of necessity be compelled to right.

37. But in those 'gemōts,' though deliberately held in places of note, after Edgar's lifetime, the laws of Christ waned, and the king's laws were impaired.

38. And then was separated what was before in common to Christ and the king in secular government; and it has ever been the worse before God and before the world: let it now come to an amendment, if God will it.

39. And an amendment, however, may yet come, if it be diligently and earnestly undertaken.

40. And if any one will properly cleanse the land, then must he inquire and diligently trace where the criminals have their dwelling, who will not desist, nor make 'bōt' before God; but wherever they may be found, let them be compelled to right, willingly or unwillingly; or let them altogether withdraw from the country, unless they submit and turn to right.

41. If a monk or a mass-priest become altogether an apostate, let him be for ever excommunicated, unless he the more readily submit to his duty.

XLII. And se þe Goder ūt-lagan. ofer þone āndagan þe se cýngc sette. hæbbe on gepealde. plihete to him gýlfum y ealre hir āne. rið Drihtes geryelian. þe cýrtenðóm y cýnedóm healdað y pealdað þa hwile þe þæs God geann:.

XLIII. Ac uton ðón gpa ur þearf iŕ. uton niman ur to býrnan þ ælran worlð-ŕitan to riæde geryæddon. Æðelŕtān. y Eadmund. y Eadgār þe niht pær. hū hi God peorðodon. y Goder lage heoldon. y Goder gæfel lærtan. þa hwile þe hī leorodon. And ūtan God lūrian innereþre heortan. y Goder laga gýman. gpa pel gpa pe betŕt maƷon:.

XLIV. And ūton rihtne cýrtenðóm geornlice peorðian. y ælcne hæðenðóm mið ealle oferhogian. y uton ænne cýnehlāƷorð holdlice healðan. y ŕneonda gehwīlc mið rihtan ge-ŕýrðan oðerne lufige y healde mið rihte:.

42. And he who holds an outlaw of God in his power over the term that the king may have appointed, he acts, at peril of himself and all his property, against Christ's vicegerent, who preserves and sways over Christianity and kingdom as long as God grants it.

43. But let us do as is needful to us; let us take to us for an example that which former secular 'witan' deliberately instituted; Æthelstan, and Edmund, and Edgar who was last: how they worshipped God, and observed God's law, and rendered God's tribute, the while that they lived. And let us love God with inward heart, and heed God's laws, as well as we best can.

44. And let us zealously venerate right Christianity, and totally despise every heathenism; and let us faithfully cherish one royal lord, and let every friend love his fellow with right fidelity, and cherish him with justice.

ORDINANCE RESPECTING THE 'DUN-SETAS.'

^a Ður is geo ƷeƷædneƷ þe Angel-cýnneƷ Ʒítan Ʒ þealh-
þeode Ʒæd-boran betƷeoƷ ^b Dun-Ʒetan ƷeƷetton. þ is.

BE TRODE LESTOLENES YRFES.

* and ? 1. Ʒur mon tƷode beðƷurð ƷorƷtoleneƷ ƷurƷeƷ of Ʒcæðe on
oðeƷ. þonne beƷæƷe mon þ ƷƷor lanðeƷ-mannum. * oþþe mið
meaƷce Ʒecýþe þ man Ʒuht ðurƷe. Fo Ʒe Ʒýþþan to þe þ
land aƷe. Ʒ hæbbe him þa æƷcan. Ʒ þæƷ on .ix. nihton Ʒýlðe
þ ƷurƷe. oþþe to þam ðæƷe undeƷ-Ʒeð leceƷe. þ Ʒý þæƷ oƷƷeƷ
oðeƷ healf ƷeoƷð. Ʒ þæƷ on .ix. nihton þ Ʒeð unðo mið
Ʒuhtan Ʒýlðe. ƷurƷ mon ƷecƷe þ man þ tƷod aƷoh ðurƷe.
þonne moƷ Ʒeþe þ ƷurƷe 'ahtƷoðað to Ʒcæðe læðan. Ʒ þæƷ
Ʒýxa Ʒum unƷeoƷneƷa þe ƷeƷƷýƷe Ʒýn þone að Ʒýllan þ he
mið Ʒolc-Ʒuhte on þ land ƷƷeace. ƷƷa hiƷ oƷf þæƷ-up eoðe.

BE RIPTES PEORLE BETƷEOX-þEALUM AND ENLLUM.

11. ÆƷƷe ýmb .ix. niht ƷebýƷeð. betƷeoƷ þæm Ʒcæðum.
þ mon oðƷum Ʒuht ƷýƷce. Ʒe æƷ laðe Ʒe æƷ ælcƷe ƷƷæce þe

^a [The text is from *B*. The rubrics are from Lambarde.—*T*.]

^b [Lambarde here has *Deun-jætaz*, though at the end of the document, in his edition, we find *Dun-jetum*, *Dun-jætan*, *Dun-jæte*: whence it seems evident that the first reading is either a clerical or a typographical error. It has, nevertheless, given occasion to the supposition (see Palgrave's *Rise and Progress*, vol. 2. p. cccxxiii.) that 'this is a treaty between the British and English inhabitants of Devon, which establishes the very important fact, that the Britons still existed as a people unmingled with their conquerors.' Had the mss. concurred in the above reading, this supposition would have had some probability in its favour, but unluckily—though the author has omitted the observation—it is solitary, unsupported either by the C. C. ms. or by the Latin versions in the Macro, Holkham, and Royal mss., all of which concur in reading *Dun-sætaz*, i. e. Mountain dwellers. Malmesbury (*De Gestis Reg. Angl.* 11. 6.)

ORDINANCE RESPECTING THE 'DUN-SETAS.'

This is the ordinance which the 'witan' of the English race
and the counsellors of the 'Wealh' nation established
among the ^b 'Dun-setas;' that is :

OF THE TRACING OF STOLEN CATTLE.

1. If any one pursue the track of stolen cattle from one 'stæth' to another, then let him commit the tracing to the men of the country, *or show by some mark that it is rightfully pursued. Let him then take to it who owns the land, and have the inquiry to himself, and ix. days afterwards compensate for the cattle, or deposit an 'under-wed' on that day, which shall be worth half as much again as the cattle; and in ix. days from that time let him redeem the 'wed' by lawful payment. If it be said that the track is wrongfully pursued, then must he who 'traces the cattle lead to the 'stæth,' and there himself one of six unchosen men, who are true, make oath that he according to folk-right makes lawful claim on the land, as his cattle went thereup. * and ?

OF DOING JUSTICE BETWEEN 'WEALHS' AND ENGLISH.

2. It is meet always after ix. days, between the 'stæths,' that one man do justice to another, both with respect to 'lād' and in

informs us that Æthelstan established the Wye as a boundary between the English and British on that side: may not that be the river alluded to in the document? It flows, at least in some parts of its course, in a direction by no means unfavourable to the conjecture. Besides, if the people of Devonshire be here meant, how are the words 'ƿƿilon ƿent-ƿæce hƿƿbon into Dun-ƿætan,' &c. to be understood?—*T.*]

^c [This is the reading both of *B.* and of Lambarde, but the passage is apparently corrupt. The Latin version in the Macro and Royal mss. evidently follows the reading of the Saxon, viz. 'Si dicatur quod vestigium illud injuste minetur, tunc debet homo qui per vestigium sequitur ad locum ducere, et ibi se sexto,' &c. The reading given in the Holkham ms. is defective, and affords no sense, viz. 'Si dicatur quod vestigium sequitur ad locum ducere, et ibi,' &c.—*T.*]

him betpeox bið. Ne ƿtēnt nan oðer lād æt tihhtlan bute
orðal betpeox ƿealan ƿ Englan. bute man þarƿan ƿille. Of
ægðran ƿtæðe on oðer man mot baðian. bute man eller ƿiht
beȝýtan mæge:.

BE BĀDUM.

III. Líf bað ȝenumen ȝý on monner orfe for oðrer monner
þingum. þonne beȝýte þa baðe ham ȝeþe heo for-ȝenumen
ȝý. oþfe of hƿ aȝenum þone ȝehealde þe þ orfe aȝe. Sceal
ȝiþþan neðe ƿiht ƿýrcean ȝeþe ær nolde. .XII. lahten ȝýlon
ƿiht tæcean ƿealan ƿ Englan. .VI. Engliſcne ƿ .VI. ƿýliſce.
Ðolien ealler þær hý aȝon ȝiſ hi ƿoh tæcen. oþfe ȝeladian hi
þ hi bet ne cuðon:.

BE ÐONE ÐE LĀD TEORIE.

IV. Ðeah æt ȝtæl-týhtlan lād teorue Engliſcan oþfe
ƿiliſcan. ȝýlde anȝýlber þ he mið-beled ƿær. Ðær oðrer
ȝýlber nān þing ne þær ƿiter þe ma:.

BE MĀN-SLIÐTE.

V. Líf ƿealh Engliſ[c]ne man orlea. ne þearf he hine
hiðen-orer buton he healfan ƿere ȝýlðan. ne Engliſc ƿý-
liſcne ȝeon-orer þe ma. ȝý he þegen-boren ȝý he ceorl-
boren. healf ƿer þær æt-ƿealð:.

BE ÐON ÐE ENGLISLE ON ƿYLISL-LĀND FĀRE.

VI. Nah naðer to farenne. ne ƿýliſc-man on Engliſc-land
ne Engliſc on ƿýliſc þe ma. butan ȝeſettan land-men. ȝe
hine ȝeal æt ȝtæðe underfon. ƿ eft þær butan facne ȝe-
brungan. Líf ȝe land-man æniger facner ȝerita ȝý. þonne
ȝý he ƿiter ȝýlðig. buton he hine þære ȝeritnerre ȝeladie.
Ðra eac ælc þe ȝerita oþfe ȝerýhtta ȝi. þær utlendiſc man
inlendiſcan ðeue. ȝeladie þære mið-ƿiſte be þer orfer ƿeorðe.
ƿ þ ȝý cýne-að. ƿ ȝeþe hine belecȝe ofȝa hƿ ȝrſæce mið
for-aðe. Líf þeor lād teorue ȝýlde tȝý-ȝýlde. ƿ hlaforðe hƿ
ƿite:.

every suit that may be between them. There stands no other 'lād' in an accusation, save the ordeal, between 'Wealas' and Englishmen, unless it be allowed. From either 'stæth' to the other a pledge must be given, unless justice may be got in any other way.

OF PLEDGES.

3. If a pledge be taken on a man's cattle for another man's account, then let him for whose account it is taken get the pledge home, or let him satisfy from his own property him who owns the cattle. Then he must needs do right who before would not. XII. 'lahmen' shall explain the law to the 'Wealas' and English, VI. English and VI. 'Wealas.' Let them forfeit all they possess, if they explain it wrongly; or clear themselves that they knew no better.

OF HIM WHO FAILS IN A 'LĀD.'

4. Though, in an accusation of theft, a 'lād' fail to an Englishman or to a 'Wealh,' let him pay the 'angylde' [only] of that with which he was charged. Of the other 'gild' nothing, no more than of the 'wite.'

OF HOMICIDE.

5. If a 'Wealh' slay an Englishman, he need not pay for him on this side except with half his 'wēr,' no more than an Englishman for a 'Wealh' on that side; be hethane-born, be he 'ceorl'-born: one half of the 'wēr' in that case falls away.

IN CASE AN ENGLISHMAN JOURNEY INTO 'WYLISC' LAND.

6. Neither is to travel, neither a 'Wealh' in the English land any more than an Englishman in the 'Wylisc,' without the appointed man of the country, who shall receive him at the 'stæth,' and bring him thither again without guile. If the man of the country be cognizant of any guile, then let him be liable in the 'wite,' unless he clear himself of that cognizance. So also let every one who is cognizant or perpetrator, where an outlandish man injures an inlandish one, clear himself of that privity, according to the value of the property; and let that be a 'cyre-ath:' and he who charges him, let him begin his suit with a 'for-ath.' If the 'lād' fail, let him pay twofold, and to the lord his 'wite.'

BE ÆLLES NYTENES PEORÐE HIF ÐI LOSIAD.

vii. Ðoƿur mon ƿceal Ʒýlðan mið .xxx. ƿcūl. oþþe be þam laðian. mýpan mið .xx. ƿcūl. oþþe be þam. Ʒ ƿintep-ƿceal ealƿpa. ^aƿilðe-ƿeoƿur mið .xii. ƿcūl. oþþe be þam. Ʒ oxan mið xxx. ƿ. cu mið .xxiiii. ƿ. ƿƿýn mið .viii. ƿ. man mið ƿunðe. ƿceap mið ƿcūl. Ʒāt mið .ii. ƿ. Oðre ^bunƷeapene þinƷ mon moƿ mið aðe Ʒeƿýrðan. Ʒ Ʒýþþan be þam Ʒýlðan.

BE ORF OFER STREAM BEFANLENUM.

viii. Líf mon oƿur beƿó. Ʒ man oƿer ƿtream hit týman ƿýlle. þonne ƿette mon in-boƿh oþþe under-ƿeð lecƷe. þ ƿeo ƿƿec ende hæbbe. ðeþe hit him to-teo ƿýlle ƿixa ƿum þone āð þ he hit him ƿpa to-teo ƿpa hit him þeoƿ-ƿtolen ƿæpe. Ʒ ƿeþe hit týme ƿýlle ana þone āð. þ he hit to þæpe hanða týme þe him ƿealðe. Líf hit man beƷeonðan ƿtream e aƷnian ƿýlle. þonne ƿceal þ beon mið oƿdale. Lelice þam ÆnƷlyre ƿceal ƿýlƿcan ƿuhte ƿýƿcean.

BE ƿENT-SÆTUM AND DUN-SÆTUM.

ix. Ðƿilon ƿent-ƿæte hýrðon into Dun-ƿætan. ac hit Ʒe-býpeð ƿuhtor into ƿerƿ-ƿexan. þýðer hý ƿcýlan Ʒaƿol Ʒ Ʒýlƿ ƿýllan. Eac Dun-ƿæte beþýƿan. Ʒiƿ heom ƿe cýningan. þ man huƿu ƿƿuð-Ʒýlƿ to heom læte.

^a This seems to be either a wild unbroken colt or a colt foaled in the forest or uninclosed pasture. The German 'werfen,' when denoting to bring forth, is confined to animals.

OF THE WORTH OF ALL CATTLE, IF IT BE LOST.

7. A horse shall be paid for with xxx. shillings, or an expurgation after that rate; a mare with xx. shillings, or after that rate; and a 'winter-steal' the same: a ^a 'wilde-weorf' with xii. shillings, or after that rate; and an ox with xxx. pence; a cow with xxiv. pence; a swine with viii. pence; a man with a pound; a sheep with i. shilling; a goat with ii. pence. Other ^bunseen things may be estimated on oath, and then paid for accordingly.

OF CATTLE ATTACHED OVER THE STREAM.

8. If cattle be attached, and the party will vouch to warranty over the stream; then let him place an 'in-borh' or deposit an 'under-wed,' that the suit may have an end. Let him who claims it make an oath, himself one of six, that as he claims it so it was stolen from him; and let him who vouches to warranty make an oath alone, that he vouches to warranty the person who sold it to him. If one beyond the stream will lay claim to it, then must that be with ordeal. Like to that shall an Englishman do justice to a 'Wealh.'

OF 'WENT-SÆTAS' AND 'DUN-SÆTAS.'

9. Formerly the 'Went-sætas' belonged to the 'Dun-sætas,' but more properly they belong to the West Saxons: there they shall give tribute and hostages. The 'Dun-sætas' also need, if the king grant it to them, that at least 'frith'-hostages be allowed them.

^b [The Latin version in *M.* and *Hk.* reads: 'Cetere res ungesawene, i.e. non vise.' *R.* has even 'ungesawene, i.e. non vise.' *Unseen things* are undoubtedly equivalent to *things not forthcoming*, which can therefore only be valued on oath.—*T.*]

ENUTES DOCTAS.^a

ECCLESIASTICAL.

Ðis is se ð¹ geseðnys þe Enut² cýningc ealles Engla-landes
cýningc y Dena³ cýningc⁴ y Norðjugena cýningc.⁵ mid
his wite geseahce. geseaðde Gode to lófe y him
wylfum to cýnecipe y⁶ to þearfe. y þ⁷ wæs on þære
hálgan⁸ mid-witnes tīde on⁹ witan-cearfe:

DE DEO, RELIGIONE, ET REGE DEBITE COLENDIS.

i. Ðæt is þonne æres. þ¹ his ofer ealle² oþre þingc ænne
God æres woldan lufian y wurdian. y ænne cwytenðom anweð-
lice healðan. y Enut cingc lufian mid witan geseððan:

DE PACE DEI, REGIS, ET ECCLESiarum.

ii. ⁹And Godes cyrcan gwiðian y swiðian y gelómlice
¹⁰gecean. ¹¹swiðum to hæle. y¹² ur wylfum to þearfe. Ælc
cyrcian is mid wite on Ewiger¹³ agenan gwiðe. y ælc cwyten
man æh micle þearfe þ¹⁴ he on þam gwiðe micle mæðe wite.
forþam Godes gwið is ealra gwiða¹⁵ welost to gearwianne y
geornost to healðenne. y¹⁶ þær nehst.¹⁷ ¹⁸cýninges. Ðonne
is swiðe wite þ¹⁹ Godes cyrc-gwið binnan wærum y cwytenes
²⁰cýninges hand-gwið stande efen ²¹unwonne. y sefe aðor
fulwece þolige landes y līfes. buton²² him se cýningc gearwian
wille. And gif æres²³ ænig mann heonan-forð Godes cyrc-
gwið swa aþece. þ²⁴ he binnan cyrc-wærum mann-waga weorðe-
þonne²⁵ wif þ²⁶ bōtles. y ehte his ælc swa þe Godes freond
wif. butan þ²⁷ georðe þ²⁸ he þanon ætberfe y swa deofe swið-
roce gesece. þ²⁹ se cýningc him swið þ³⁰ weres geunne wið

¹ geseðner A. ² cýning A. ³ cýning G. ⁴ not in G. ⁵ folc L.
add. ⁶ mīde- G. ⁷ witanes G. ⁸ not in A. ⁹ And uton Godes
cyrcan gelomlice gwiðian y swiðian A. ¹⁰ gecean D. ¹¹ not in A.
¹² agenan A. ¹³ welost A. ¹⁴ þær niht D. ¹⁵ cýnges D. ¹⁶ un-
wonne D. ¹⁷ not in G. ¹⁸ anig A.

THE LAWS OF KING CNUT.^a

ECCLESIASTICAL.

This is the ordinance that king Cnut, king of all England, and king of the Danes and Norwegians, decreed, with counsel of his ‘witan,’ to the praise of God, and to the honour and behoof of himself: and that was at the holy tide of Mid-winter, at Winchester.

1. That then is first, that, above all other things, they should ever love and worship one God, and unanimously observe one Christianity, and love king Cnut with strict fidelity.

2. And to hold in ‘grith’ and in ‘frith,’ and frequently to seek God’s churches, for the salvation of souls and the behoof of ourselves. Every church is by right in Christ’s own ‘grith,’ and every Christian man has great need that he show great reverence for that ‘grith;’ because God’s ‘grith’ is of all ‘griths’ the most excellent to merit, and the best to preserve, and next thereto, the king’s. Then is it very right, that God’s church-‘grith’ within walls, and a Christian king’s hand-‘grith’ stand equally inviolate; and let him who infringes either forfeit land and life, unless the king will be merciful to him. And if ever any man henceforth so break God’s church-‘grith,’ that he be a homicide within church-walls, then be that ‘bōtless;’ and let every one of them who is a friend to God pursue him; unless it happen that he escape thence, and seek so awful a

^a [Cnut, king of Denmark, became monarch of all England on the death of Edmund Ironside, A.D. 1017, and died A.D. 1035. The text is from *G.—T.*]

fulpe bōte. ge rið God ge rið menn. And þ̅ iſ þonne æreſt. þ̅ he hiſ āgenne ¹pēr Eſurte ȝ þam cȳningce ȝeſȳlle. ȝ mid þam hine ſȳlſne inlaȝie to bōte. ȝ ȝiſ hit þonne to bōte ȝeȝā. ȝ ge cȳningc þ̅ ȝeþaſiȝe. þonne bēte man þ̅ ciſuc-ȝrið intō þape ciſucan be cȳningceſ fullan ²mund-bſȳce. ȝ þa mȳn-ſter-clænſunge beȝite ſpa ³þær-to ȝebȳiȝe. ȝ ⁴æȝðer ȝe mæȝ-bōte ȝe man-bōte fullice ȝebete. ȝ rið God huſu þingie ȝeoſne:-

DE MULCTA PRO DIGNITATE ECCLESIAE CONFERENDA.

iii. And ȝiſ eller be ciſicum mannum ciſuc-ȝrið abſocen ſȳ. bete man ȝeoſne be þam þe reo dæð ſȳ. ſȳ hit þurh ſeohtlāc. ſȳ hit þurh ſearlāc. ſȳ þurh þ̅ þe hit ſȳ. Bēte man ⁵æreſt þone ȝrið-bſȳce intō ⁶þære ciſucan. be þam þe reo ⁷dæð ſȳ. ȝ be þam þe þære ciſucan mæð ſȳ. Ne riנד ealle cȳnicean na ȝelīcne mæðe peoſulðlice ⁸ſurðȝciſer pȳrðe. þeah hiȝ ȝoðcunðlice ⁹hālȝunge habban ȝelīce. Deāfoð-mȳnſterſ ȝrið-bſȳce iſ æt bōt-pȳrðum þingum be cȳningeſ munde. þ̅ iſ. mid .v. pundum on Engla laȝe. ¹⁰ȝ on Cent-lande æt þam mund-bſȳce .v. pund þam cingce ȝ þreð þam aſcebiſcope. ȝ meðeſſan mȳnſterſ mid ¹¹.cxx. ſciſſ. þ̅ iſ. be cȳningeſ ſīte. ȝ þonne ȝȳt læſſan. þær lȳtel þeoſðōm ſȳ ȝ leȝer-ſtop þeah ſȳ. mid ¹².lx. ſciſſ. ȝ ſeld-ciſice þær leȝer-ſtop ne ¹³ſiȝ. mid þurttȳgum ſciſſ.:-

DE REVERENTIA SACERDOTIBUS PRÆSTANDA.

iv. Callum ciſurtenum mannum ȝebȳnað ſiſðe rihte þ̅ hiȝ hālȝðōm. ȝ hāðar. ȝ ȝehālȝoðe Goder hȳſ æſne ſiſðe ȝeoſne ȝriðian ȝ ſiſðian. ȝ þ̅ hi hāða ȝehpȳlcne peoſðian be mæðe. ſoſðam undeſſtande ſeþe pille oþþe cunne. micel iſ ȝ mæſne þ̅ ſaceſð āh to dōnne. ſolce to þearſe. ȝiſ he hiſ Drihtne ȝecpemeð mid rihte. Wicel iſ reo hālȝung ȝ mæſne iſ reo hālȝung þe deoſla aſȳſſað ȝ on pleame ȝebȳngeð. ſpa oſt ſpa man fullað oþþe huſel hālȝað. ȝ ¹⁴hālȝe englar þær-¹⁴abutan hpeaſſiað. ȝ þa dæða ¹⁵bepeaſſiað. ȝ þurh Goder

¹ pær A. ² mund-bſeice A. ³ þær-to A. ⁴ æȝðær A. ⁵ æreſt A.
⁶ þape A. ⁷ bæðe A. ⁸ not in A. ⁹ hālȝunge G. ¹⁰ not in A.

sanctuary, that the king through that grant him life against full 'bōt,' both to God and to men. And that is then first: that he pay his own 'wēr' to Christ and to the king, and thereby inlaw himself to 'bōt:' and if it then come to 'bōt,' and the king allow it, then let 'bōt' be made for the church-'grith' to that church, according to the king's full 'mund-bryce,' and the purification of the minster be gotten, as is thereto befitting; and let 'bōt' be fully made, both with 'mæg-bōt,' and man-'bōt,' and especially let intercession be fervently made with God.

3. And if else, no man being slain, church-'grith' be broken, let 'bōt' be strictly made, according as the deed may be: be it through fighting, be it through robbery, be it through what it may be. First, let 'bōt' be made for the 'grith-bryce' to the church, according as the deed may be, and as the rank of the church may be. All churches are not secularly entitled to a like degree of reverence, although divinely they have like consecration. The 'grith-bryce' of a chief minster, in cases entitled to 'bōt,' is according to the king's 'mund,' that is, v. pounds by English law; and in Kent, for the 'mund-bryce,' v. pounds to the king, and three to the archbishop: and of a minster of the middle class, cxx. shillings, that is, according to the king's 'wite:' and of one yet less, where there is little service, provided there be a burial place, lx. shillings: and of a field church, where there is no burial place, thirty shillings.

4. It is very justly incumbent on all Christian men, that they very strictly observe 'grith' and 'frith' towards holy things, and holy orders, and the hallowed houses of God; and that they reverence every holy order, according to its rank: because (understand who is willing or able) much and great is that which the priest has to do, for the behoof of the people, if he justly please his Lord. Much is the supplication, and great is the hallowing which sendeth away devils and putteth them to flight, as often as baptism is performed or housel

11' ān hunþreð 7 ƿenȝum ƿeillingum A. 12 ƿenȝum A. 13 ȝy A.
 14 not in A. 15 beƿenbiað A.

mihtra þam ¹racerðan rýlrað. rpa ofr rpa híz Eprte þeniað mid rihre. 4 rpa hí ðoð rýmle. rpa ofr rpa híz 7eorpnlice inpearðne heortan clýpíað to Eprte. 4 for folcer neóðe þingíað 7eorpne. 4 þi man rceal for Froder ége mæðe on háðe 7ecnápan mid 7ercede:.

DE PURGATIONE ORDINATORUM.

v. And 7ýf hit 7epearðe. þ man mid ²týhtlan 4 mid uncræftum racerð belecge þe re7ollice libbe. 4 he hine rýlre ríte þær clænne. mærrige 7if he ðurpe 4 laðige on þam hurle. rýlre hine rýlre. æt ánrealdre rpræce. 4 æt þrýrealdre rpræce laðige ³he 7ýf he ðurpe eác on þam hurle. mid tþám hir 7ehāðan. Efr man diacon ⁴tihrlige þe re7ollice libbe. ánrealdre ⁵rpræce. nime tpezen hir 7ehāðan 4 laðige hine ⁶mid þam. 4 7if man hine tihrlige þrýrealdre ⁷rpræce. nime .vi. hir 7ehāðan. 4 laðige hine mid þam. 4 beo he rýlre 7eoreða. Efr man folcricne mærrerpreort mid tihrlan belecge. þe re7ol-hir næbbe. laðige hine rpa diacon þe re7ol-hre libbe. 4 7ýf man rneondleārne peofod-þén mid tihrlan belecge þe āð-fultum næbbe. 7ā to corpnæðe. 4 þær þonne æt 7eferne þ þ Froðe rýlle. buton he on hurle 7eladian mōte. 4 7if man 7ehāðoðne man mid ræhðe belecge. 4 recge þ he rære ðæð-bana oþþe ræð-bana. laðige mid hir ma7um þe ræhðe mōton mid-bepan. oþþe forpe-betan. 4 7if he ir mæ7leāf. laðige ⁸hine mid 7eferpan. oþþe on færten fō. 7if he þ þurpe. 4 7ā to corpnæðe. 4 þær-at 7erape rpa rpa Froð ræðe. 4 ⁹ne þearf ænig mýn7er-munuc ¹⁰ahpær mid rihre ræhð-bōte biððan. ne ræhð-bōte betan. De 7æð of hir mæ7ð-lage þonne he 7e-býhð to re7ol-lage. And 7if mærrerpreort ærne ¹⁰ahpær r7ande on leārne 7eritnerre. oþþe on mænan āðe. oþþe þeofa 7erita oþþe 7e-rýrhta beo. þonne rý he āforpen of 7ehāðoðra 7emanan. 4 þolige æ7ðer 7e ¹¹7efer7er7er 7e rneond7er7er 7e æ7hrýlcer peorð7er7er. butan he rið Froð 4 rið menn þe ðeoplicor 7ebēte. rpa birceop him tæce. 4 him boþh rinde. þ he þanon-forð ærne rprýlcer 7erprice. And 7ýf he ¹²hine laðian

¹ racerðon A.

⁴ tihrlige A.

² tihrlan A.

⁵ rpræce A.D.

³ not in A.

⁶ not in A.

hallowed: and holy angels hover there around and protect the deeds, and, through God's powers, support the priests, as often as they rightly minister to Christ; and so they always do, as often as they earnestly, with inward heart, call to Christ, and fervently intercede for behoof of the people; and therefore, for fear of God, rank is discreetly to be acknowledged in holy orders.

5. And if it happen that a priest who lives according to rule be charged with an accusation and with evil practices, and he know himself innocent thereof; let him celebrate mass if he dare, and himself clear himself on the housel, in a simple suit: and in a threefold suit, let him also, if he dare, clear himself on the housel with two of his fellow ecclesiastics. If a deacon, living according to rule, be accused in a simple suit, let him take two of his fellow ecclesiastics, and with them clear himself: and if he be accused in a threefold suit, let him take vi. of his fellow ecclesiastics, and with them clear himself, and be himself the seventh. If a secular mass-priest be charged with an accusation, who has no regular life, let him clear himself as a deacon who lives a life of rule: and if a friendless servant of the altar be charged with an accusation, who has no support to his oath, let him go to the 'corsnæd,' and then thereat fare as God will, unless he may clear himself on the housel. And if a man in orders be charged with 'fæhthe,' and it be said, that he was perpetrator or adviser of homicide, let him clear himself with his kinsmen, who must bear the 'fæhthe' with him, or make 'bōt' for it: and if he be kinless, let him clear himself with his associates, or betake himself to fasting, if that be necessary, and go to the 'corsnæd,' and thereat fare so as God may ordain: and no minster-monk may lawfully anywhere demand 'fæhth-bōt,' nor pay 'fæhth-bōt.' He forsakes his law of kin when he submits to monastic law. And if ever a mass-priest stand anywhere in false witness or in perjury, or be cognizant and perpetrator of thefts, then let him be cast from the community of ecclesiastics, and forfeit both their society and friendship and every dignity;

⁷ ƿpæce *A.D.*

¹⁰ ahpær *A.*

⁸ not in *G.*

¹¹ ƿpærceper *A.*

⁹ na *G.*

¹² not in *G.*

pýlle. ȝeladȝe þonne be ¹dæde mæðe. ²ȝpa mid þrȝfealdre
³ȝpa mid ānfealdre lāde. be þam þe ȝeo dæð ȝī.:

EXHORTATIO AD ECCLESIASTICOS, UT SANCTE VIVANT.

vi. And pe ȝillað þ̅ ælceȝ hāðeȝ menn ȝeoȝne ȝebuȝan ælc
to þam ȝuhte þe him to-ȝebȝuȝe. ȝ huȝu-þingȝa Godeȝ
þeoȝaȝ. biȝceȝoȝaȝ ȝ abbodaȝ. munecaȝ ȝ mȝnecena. canonicȝaȝ
ȝ nunnan. to ȝuhte ȝebuȝan. ȝ ȝeȝollice libban. ȝ ⁴dæȝeȝ
ȝ nihteȝ. oȝt ȝ ȝelōme. clȝȝpian to Eȝuȝte. ȝ ȝoȝ eall cȝuȝten
ȝolc þingian ȝeoȝne. And ealle Godeȝ þeoȝaȝ pe biððað ȝ
læȝað. ȝ huȝu-þingȝa ȝaceȝdaȝ. þ̅ hī Gode hȝȝan. ȝ ⁵clænneȝȝe
lȝȝpian. ȝ beoȝȝian ⁶heom ȝȝlȝum wið Godeȝ ȝȝȝe. ȝ wið þone
ȝeallendaȝ biȝȝne þe ȝeallað on helle. Ful ȝeoȝne ⁷hiȝ ȝȝtan
þ̅ hiȝ ⁸nāȝon mid ȝuhte þuȝh hæmed-þingȝe ȝȝȝeȝ ȝemānan. ȝ
ȝeþe þæȝ ȝeȝȝican ȝille. ȝ clænneȝȝe ⁹healban. ¹⁰hæbbe he
Godeȝ miȝȝe. ȝ to ¹¹ȝoȝulð-ȝuȝðȝȝe. ȝī he þeȝen-¹²laȝe
ȝȝȝe. And æȝhȝȝlc cȝuȝten mann ¹³eāc ȝoȝ hiȝ Dȝuhtneȝ
eȝe unȝuht hæmed ȝeoȝne ȝoȝbuȝe. ȝ ȝoðcunðe ¹⁴laȝe ȝuhtlice
¹⁵healde.:

DE CONIUGIIS PROHIBITIS.

vii. And pe læȝað ȝ ¹⁶biððað ȝ on Godeȝ naman beððað. þ̅
æniȝ cȝuȝten mann binnan .vi. manna ȝib-ȝæce. on hiȝ
āȝenan cȝȝnne æȝȝe ne ȝeȝȝȝe. ne on hiȝ mæȝeȝ læȝe þe
ȝȝa neāh ȝib ȝæȝe. ne on þæȝ ȝȝȝe ¹⁷neð-maȝan þe he ȝȝlȝ
æȝ hæȝde. ne on hiȝ ¹⁸ȝeȝæðeȝan. ne on ȝehālȝoðȝe nunnan.
ne on ælcæten æniȝ cȝuȝten mann æȝȝe ne ȝeȝȝȝe. ne æniȝe
ȝoȝhiȝȝu āhȝaȝ ne beȝaȝȝe. ¹⁹ne na mā ȝȝȝa þonne ān hæbbe.
ȝ þ̅ beo hiȝ beȝeððoðe ȝȝȝ. ²⁰ac beo be ²¹ȝæȝe āȝȝe þa hȝȝile
þe heð libbe. ȝeþe ȝille Godeȝ laȝe ȝȝȝman mid ȝuhte. ȝ wið
helle biȝȝne beoȝhȝan hiȝ ȝāȝle.:

¹ dæde mæðe A.

⁵ clænneȝȝa A.

⁹ healben A.

² not in G.

⁶ him D.

¹⁰ habbe A.

³ not in A.

⁷ pe D.

¹¹ ȝoȝulð- A.

⁴ dæȝes A.

⁸ nāȝan D.

¹² -laȝa D.

unless he the more deeply make 'bōt' to God and men, as the bishop may direct him, and find himself 'borh,' that thenceforth he will ever abstain from the like. And if he desire to clear himself, then let him clear himself according to the degree of the deed, either with a threefold or with a simple 'lād,' according as the deed may be.

6. And we will, that men of every order readily submit, each to that law which is becoming to him; and above all, let the servants of God, bishops and abbots, monks and mynchens, canons and nuns, submit to law, and live according to rule, and by day and by night, oft and frequently, call to Christ, and fervently intercede for all Christian people. And we beseech and instruct all God's servants, and especially priests, that they obey God and love chastity, and secure themselves against God's ire, and against the fierce burning which rageth in hell. Full well they know, that they have not lawfully through concubinage intercourse with woman; and let him who will abstain from this, and preserve his chastity, have God's mercy, and, for worldly honour, be he worthy of thane-law. And let every Christian man also, for dread of his Lord, strictly eschew unlawful concubinage, and rightly observe the divine law.

7. And we instruct and beseech and, in God's name, command, that no Christian man ever marry in his own family within the relationship of vi. persons: nor with the relict of his kinsman who was so near of kin; nor with the relative of the wife whom he had previously had; nor with his godmother, nor with a hallowed nun, nor with one divorced, let any Christian man ever marry, nor any fornication anywhere commit; nor have more wives than one, and let that be his wedded wife; but let him be with her alone, as long as she may live, whoever will rightly keep God's law, and secure his soul against the burning of hell.

¹³ *not in A. G.*

¹⁷ *nýb- D.*

²¹ *pape D.*

¹⁴ *laȝa D.*

¹⁸ *ȝeƿebepan A.*

¹⁵ *healbæn A.*

¹⁹ *not in A.*

¹⁶ *pe D. add.*

²⁰ *ȝ G.*

DE DECIMIS REDDENDIS.

viii. And gelæȝt man Godes ȝerihƿta æghpýlce ȝeape rihtlice ȝeorne. ꝥ 1ȝ. riht-¹ælmeȝre huƿu rihtene niht ofer ²Eartran. ȝ ȝeoȝuðe teoðunȝe be Pentecoſten. ȝ eorð-ƿærta be Ealra lðalȝena mæſſan. ȝ ȝýf hƿa þonne þa teoðunȝe gelæȝtan nelle. ȝƿa ƿe ȝecƿeden habbað. ꝥ 1ȝ ȝe teoða æcer eal ȝƿa ȝeo riht hit ³ȝeȝā. þonne ƿape þær ⁴cinȝceȝ ȝerēfa to ȝ ⁵þær biȝceopeſ ȝ þær land-ſiƿcan ȝ þær mýnſtȝer mæſſe-ƿƿeoſt. ȝ ⁶nime unþanceȝ þone teoðan dæl to þam mýnſtȝe þe hit to-ȝebýuȝe. ȝ ⁷teacan him to þam ⁸nȝoðan dæle. ȝ toðæle mann þa eahƿta dālaȝ on tƿa. ȝ ƿo ȝe land-hlāfoſd to healfum. ⁹toð healfum ȝe biȝceop. ȝý hit cinȝceȝ mann ȝý hit þeȝneȝ.

DE NUMMO ROMANO.

ix. And Rom-ſeðh be ¹⁰Peſreȝ mæſſan. ȝ ȝeþe ofer ¹¹þæne dæȝ hit healde. āȝýfe þam biȝceope ¹²þæne ƿeniȝ. ȝ þær-to ¹³.xxx. ¹⁴ƿeneȝa. ȝ þam cinȝce ¹⁵.cxx. ȝciſſ.:

DE PRIMITIIS SEMINUM.

x. And cýpuc-ſceat to Ŵartmeȝ mæſſan. ȝ ȝeþe hine ofer ¹⁶þæne dæȝ healde. āȝýfe hine þam biȝceope. ȝ ƿoȝýlde hine ¹⁷.xi. ȝiðan. ȝ þam ¹⁸cinȝce ¹⁹.cxx. ȝciſſ.:

DE DECIMIS AD ECCLESIAM THANI PERTINENTIBUS.

xi. Ȝýf hƿā þonne þeȝna ²⁰ȝiȝ. þe on hiȝ bōc-lande ²¹cýpucan hæbbe. þe leȝer-ȝtoƿ on ²²ȝiȝ. ȝerýlle ²³þone þȝiðdan dæl hiȝ ²⁴āȝenȝe teoðunȝe into hiȝ ²⁵cýpucan. ²⁶And ȝýf hƿā cýpucean hæbbe þe leȝer-ȝtoƿ on ne ²⁷ȝiȝ. dō he of þam nȝon ²⁸dælum hiȝ ƿƿeoſte ꝥ ꝥ he ƿille. And ȝā ælc cýpuc-ſceat into þam ealðan mýnſtȝe. be ²⁹ælcon ƿƿuȝan heoſðe:

DE PECUNIA PRO LUCERNIS.

xii. And leðht-ȝerſceot þȝiſpā on ³⁰ȝeape. ſeȝeſt on Earteſ-æfen healſ-³¹ƿeniȝ-ƿuſð ƿeȝeȝ æt ælcere hiðe. ³²ȝ eſt ³³on

1 -ælmeſſan *D.* 2 Eartron *D.* 3 ȝeȝāð *A.* 4 cýninȝer *A.D.* 5 ƿaȝ biȝceopaȝ *A.* 6 niman *D.* 7 teacan *A.* 8 nȝoðum *D.* 9 ȝ *D. add.* 10 Peſereȝ *A.* 11 þonne *A.* 12 þane *A.* 13 þȝiſciȝ *A.* 14 ƿeniȝeȝ *A.* 15 tƿa hunðreð ȝ tƿentiȝ ȝciſſ. *A.* 16 þonne *A.* 17 enðliſan *L.*

8. And let God's dues be lawfully and willingly paid every year: that is, plough-alms at least by fifteen days after Easter, and a tithe of young by Pentecost, and of earth-fruits by All-hallows' mass: and if then any one will not pay the tithe as we have decreed; that is the tenth acre, so as the plough traverses it; then let the king's reeve go, and the bishop's, and the 'land-rica's,' and the mass-priest of the minster, and take forcibly the tenth part for the minster to which it is due, and assign to him the ninth part; and let the eight parts be divided into two, and let the land-lord take possession of half, half the bishop, be it a king's man, be it a thane's.

9. And Rome-'feoh' by St. Peter's mass; and whoever withholds it over that day, let him pay the penny to the bishop, and xxx. pence thereto, and to the king cxx. shillings.

10. And church-scot at Martinmas; and whoever withholds it over that day, let him pay it to the bishop, and indemnify him xi. fold, and to the king cxx. shillings.

11. But if there be any thane who has a church on his 'boc-land,' at which there is a burial-place, let him give the third part of his own tithe to his church. And if any one have a church at which there is no burial-place, let him do for his priest what he will from the nine parts. And let every church-scot go to the old minster, according to every free hearth.

12. And light-scot thrice in the year: first, on Easter-eve, a half-penny worth of wax for every hide; and again on

¹⁸ cýningce *A.* ¹⁹ ccxx. *L.* ²⁰ jý *A.* ²¹ cýpicean *L.* ²² jý *A.*
²³ þonne *A.* ²⁴ ægene *A.* ²⁵ cýpicean *L.* ²⁶ *G. add.* ²⁷ jý *A.*
²⁸ ðalum *A.* ²⁹ ælcæn fýrgean *L.* ³⁰ ȝeapa *A.* ³¹ -pening *L.*
³² not in *A.* ³³ to *L.*

Ealra Dálgena mærran eall rpa' mýcel. 7 eft ¹to þæm Sanctan Mawum clænrunge eal rpa:.

DE PECUNIA QUÆ DICITUR SYMBOLUM ANIMÆ, ET
DE SEPULTURA.

xiii. And rápl-ŕceat 17 ruhtarþ þ man ²rýmle ³zelæŕte á æt ⁴openum 7ræfe. 7 7ýf man æniz lic of ⁵ruht 7cŕýft-ŕcŕne elley-⁶hpær ⁷lecge. zelæŕte man þone rápl-ŕceat rpa þeah into þam mýnrþe þe hit tó-hýrde:.

DE DEI JURIBUS, FESTIS, ET JEJUNIIS CONSERVANDIS.

xiv. And ealle Godeŕ 7eruhra ⁸rýrþrge man 7eorne. eal rpa hit þearf 17. And rreólra 7 færtena healde mon ruhtlice. 7 healde mon ælceŕ Sunnan-dægeŕ rreólrunge. rram 8æteŕneŕ-dægeŕ nōne oð Mōnan-dægeŕ hhtungce. 7 ælcne oðerne ⁹mærræ-dæg. rpa he beboden beo:.

DE DIE DOMINICO.

xv. And Sunnan-¹⁰dægeŕ cýringce pe forbeōðað eác eor-norþlice. 7 ælc folc-7emōt. buton hit for mýcelre ¹¹neōð þearfe 7í. 7 huntad-ŕara. 7 ealra populd-licra peorca. on þam hálzan dæge. 7erþice man 7eorne:.

¹²DE JEJUNIIS.

xvi. And þ man ælc beboden færten healde. 7í hit Ymbren-færten. 7í hit ¹³Lengeten-færten. 7í hit ¹⁴elley oðer færten. mid ¹⁵ealre 7eornfulneŕre. 7 to 8cam ¹⁶Mawum mærran ælcere. 7 to ælceŕ aorþtoleŕ mærran ¹⁷færte man. ¹⁸butan ¹⁹to Philippi 7 Iacobi ²⁰mærran pe ne beōðað nān færten. for ²¹þam ²²Earþelican rreólre. 7 ælceŕ Fuge-dægeŕ ²³færten. buton hit rreolr 7ý. And ne þearf man ²⁴na færten rram Earþan oð Pentecoŕten. buton hpá 7erŕýren 7iz. oþþe he elley færten 7ýlle. ²⁵And of midðan-7intre oð octabar Epiphame. ²⁶þ 17 7eoren niht oŕer tpeŕtan mærræ-dæge:.

¹ not in G. ² not in D. ³ zeleŕte A. ⁴ þam D. add. ⁵ ruhtre D.
⁶ -hpær D. ⁷ leŕce A. ⁸ rruþrge L. ⁹ -dæge B. ¹⁰ -dæga G.
¹¹ nýb- B. ¹² new rubric, Be Færtene B. ¹³ lencten- B. ¹⁴ ælley A.
¹⁵ ealra B. ¹⁶ Mawian B. ¹⁷ færten B. ¹⁸ buton B. ¹⁹ not

Allhallows' mass, as much, and again on the purification of St. Mary, the like.

13. And it is most proper that soul-scot be always paid at the open grave: and if any corpse be laid out of its proper shrift-district elsewhere, let soul-scot be, nevertheless, paid to the minster to which it belonged.

14. And let all God's dues be diligently furthered, as it is needful. And let festivals and fasts be rightly held; and let every Sunday's festival be held from the noon of Saturday till the dawn of Monday, and every other mass-day as it is commanded.

15. And Sunday marketing we also strictly forbid, and every folk-mote, unless it be for great necessity: and let huntings and all other worldly works be strictly abstained from on that holy day.

16. And let every appointed fast be held, be it Ember fast, be it Lent fast, be it any other fast, with all earnestness; and on every St. Mary's mass, and on every apostle's mass, let fast be kept, except that on St. Philip and St. James's mass we enjoin no fast, because of the Easter festival: and every Friday's fast, unless it be a festival. And no one has need to fast from Easter to Pentecost, unless it be prescribed to any one, or he otherwise will. And from mid-winter to the octaves of the Epiphany, that is seven days after the twelfth mass-day.

in B. ²⁰ *not in A.B.* ²¹ *þan B.* ²² *Eastropican B.* ²³ *færton B.*
²⁴ *not in A.* ²⁵ *Eal ȝpa A.* ²⁶ *not in A.B.*

^a [MS. *B.* begins here.—*T.*]

DE TEMPORIBUS JUSTITIÆ.

xvii. ¹And þe forþbeoðað ðrðāl ȝ āðar fræolfr-dagum. ȝ ymbren-dagum. ȝ ²lenȝcten-dagum. ³ȝ riht fræten dagum. ȝ fram Adventum Domini oð ȝe eahtoða dæg āȝān ⁴ȝiȝ ofer ⁵ʿtpeľftan mæȝre-dæȝe. ȝ fram Septuagesima oð ⁶.xv. nihton ofer ⁷Ēartrion. And 8ēe ⁸Ēadpærðer mæȝre-dæg riȝan habbað ȝecopen þ̅ man fræolfrīan ȝceal ofer eall Engla-land on .xv. kl. Āpril. And 8ēe Dúnȝtāner mæȝre-dæg on .xiiii. kl. Junn. And beo þam ⁹hālȝum tīdum. eal ȝpa hiȝ riht iȝ. eallum cȝurtenum mannum riȝ ȝ ȝōm ȝemæne. ȝ ælc ȝacu tōtpræmed. And ȝȝȝ hƿā oðrum ȝceole boƿh oþþe bōte. æt populdlicum þiȝum. ¹⁰ȝelæȝte hiȝ him ȝeorne. ær oþþe æȝter.:

PIA EXHORTATIO AD CONFESSIONEM ET
PŒNITENTIAM.

xviii. ¹¹And þe biðað for Godeȝ luȝan. þ̅ ælc cȝurten mann underȝtande ȝeorne hiȝ āȝene þearfe. forþam ealle þe ¹²ȝceollon ænne tīman ȝebīðan. ¹³þonne uȝ ƿæȝe leōȝȝe þonne eall þ̅ on miððan-earde iȝ. þ̅ þe āƿorhtan þa hƿīle þe þe mihton ȝeorne Godeȝ ƿillan. ac þonne þe ȝceolan habban ānȝealb leān þæȝ þe þe on līȝe ær ȝeƿorhtan. ƿā þam ¹⁴þonne þe ær ȝeeapnode helle ƿīte. ¹⁵Ac ūton ȝriðe ȝeorne fram ȝȝnnum ȝeȝȝȝan. ȝ ūȝe ælc hiȝ miȝdæda ūȝum ¹⁶ȝcȝurttum ȝeornlice andettan. ȝ æȝȝe ȝeȝȝīcan. ȝ ȝeornlice bētan. ȝ ūȝe ælc oðrum beoðe þ̅ þe ƿillan þ̅ man uȝ beoðe. þ̅ iȝ rihtlic dōm ȝ Gode ȝriðe ȝecƿēme. ȝ ȝe bȝð ȝriðe ¹⁷ȝeȝāliȝ þe ¹⁸þone dōm ȝehȝlt. forþam God Ąlmihtȝ uȝ ealle ȝeƿorhte. ȝ eft deōȝum cēāȝe ȝebohte. þ̅ iȝ. mið hiȝ āȝenum ¹⁹līȝe þe he for uȝ eallum ²⁰ȝealde.:

AD EUCHARISTIAM ET PROBITATEM.

xix. ²¹Ac ²²æȝhpīlc cȝurten man dō ȝpa him þearf iȝ. ȝȝȝe hiȝ cȝurtenbōmeȝ ²³ȝeorne. ȝ ȝeapȝiȝe hine eāc tō huȝel-ȝange huȝu þ̅ȝīƿā on ȝeape. ȝehƿā hine ȝȝlȝne. ²⁴þe hiȝ āȝene þearfe ƿȝlle underȝtandan. ȝpa ȝpa ²⁵him þearf ²⁶ȝiȝ. And

¹ not in B. ² lencten B. ³ not in B. ⁴ ȝȝ A.B. ⁵ tpeľfta A.B. ⁶ ȝȝȝȝe B. ⁷ Ēartrian A. ⁸ Ēadpærðer A. Ēadpærðer B. ⁹ hālȝan A. ¹⁰ ȝelæȝte B. ¹¹ þe ƿillað B. add. ¹² ȝeulon A. ¹³ þ̅ B. ¹⁴ not

17. And we forbid ordeals and oaths on festival-days, and ember-days, and lenten-days, and regular fast-days, and from Adventum Domini until the eighth day be passed after the twelfth mass-day; and from Septuagesima till xv. days after Easter. And St. Edward's mass-day, the 'witan' have chosen that it shall be celebrated over all England on the xv. kl. April. And St. Dunstan's mass-day on the xiv. kl. Junii. And, at those holy tides, let there be, as it is right, to all Christian men, general peace and concord, and let every dispute be settled. And if any one owe to another 'borh' or 'bōt' for secular matters, let him willingly fulfil it to him, before or after.

18. And we beseech, for God's love, every Christian man, that he well understand his own need: because we all have to await a time, when it will be better for us than all that is on middle earth, that we had always earnestly performed God's will, while it was in our power: but when we shall have the simple reward of that which we had before done in life, woe then to those who had before merited hell torment. But let us very earnestly turn from sins, and every one of us willingly confess his misdeeds to our confessors, and ever abstain, and willingly make 'bōt:' and let every one of us enjoin to others that which we desire should be enjoined to us: that is just doom, and very acceptable to God, and he shall be very happy who keeps that doom; for God Almighty made us all, and afterwards bought us at a high price, that is, with his own life, which he gave for us all.

19. And let every Christian man do as is needful to him; let him strictly keep his Christianity, and also prepare himself to go to housel at least thrice in the year; every one himself, who will understand his own need, so as is needful to him.

in A. ¹⁵ *new rubric, Be Scipite B.* ¹⁶ *repiſtan A.* ¹⁷ *geſæli B.*
¹⁸ *ponne A.* ¹⁹ *blōb B.* ²⁰ *ageat B.* ²¹ *not in B.* ²² *Lehpȳlc B.*
²³ *ā A. add.* ²⁴ *pe pe B.* ²⁵ *heom B.* ²⁶ *rȳ A.*

porð y peorne fpeonða gehwýlc fadige mid rihte. y áð y peðð
færllice healde. y æghwýlc unriht æfeorpe man georne of
þýrum earde. þær þe man ðón ¹mæge. y ²lufige ³man Godeſ
riht heonan-forð georne. porðer y ⁴ðæða. þonne purðe uf
eallum Godeſ miltſ þe gearurpe:.

AD FIDELITATEM ERGA DOMINUM.

xx. Uton ðón eac georne fpa pe gýt læpan pýllað. úton
beon á úrum hláforðe holde y ⁵geſcýpe. ⁶y æfpe eallum
mihtum hſ purðſcipe fæpan. y hſ pillan ⁷gepýrcan. forþam
eall þ pe æfpe for riht hláforð-⁸helde ðóð. eall pe hit ðóð uf
fýlfum tó mýcelpe fæarpe. forþam þam byð ⁹ritðlice God
hold þe bið hſ ¹⁰hláforðe ¹¹rihtlice hold. y eac áh hláforða
gehwýlc þær for-mýcle þearpe. þ he hſ men rihtlice ¹²healde:.

AD DEUM EX INTIMIS COLENDUM, ET FIDEM.

xxi. And ealle cſtene men pe læpað fwiðe georne. þ
hiſ ¹³inpearðpe heortan æfpe God lufian. y rihtne cſtendóm
geornlice healðan. y godcundan ¹⁴láfpan geornlice hýpan. y
Godeſ lápa y laza fmeagan y fſýruan. of y gelóme. ¹⁵him
fýlfum to þearpe:.

UT ORATIONEM DOMINICAM ET SYMBOLUM CALLEANT.

xxii. ¹⁶And pe læpað. þ ælc cſten man geleornige. þ he
huru cunne rihtne geleáfan ¹⁷áriht underftandan. y Pater
nofter y Fnedan geleornian. forþam mid þam oðrum ¹⁸fceal
ælc cſten man hine to Gode gebiddan. y mid þam oðrum
geppútelian rihtne geleáfan. Fſt ¹⁹fýlf rang Pater nofter
æfter. y þ ²⁰gebéd hſ leorningc-rihtum ²¹tæhte. y on þam
godcundan gebede fýn .vii. gebedu. Wíð þam fepe hit in-
pearðlice gefingð. he ²²geæpendað to Gode fýlfum ýmbe
æfpe ælce neóðe þe man beþearf. aðor ofþe for þýrum lífe
ofþe for þam tó-pearðan. Ac hu mæg þonne æfpe ænig
mann hine inpearðlice tó Gode gebiddan. butan he on God
hæbbe inpearðlice foðe lufe y rihtne geleáfan. forþam he
nāh æfter forð-fwiðe ²³mid cſtenſpa manna gemānan. ²⁴ne
on gehálgedan kíc-túne tó feftene. ofþe heſ on lífe hſflef

¹ mæge A. ² lufie B. ³ not in G. ⁴ ðæða A. ⁵ geſcſeope B. ⁶ fpa
fpa heom purðſcipeſ fæpan B. ⁷ gepeorcan A. ⁸ -hýlðe B. ⁹ not
in A. ¹⁰ laforðe B. ¹¹ not in A. ¹² heolde A. ¹³ inpearðlice A.

And let every friend guide his words and works aright, and carefully keep oath and 'wed;' and let every injustice be strictly cast out of this country, as far as it can be done; and let God's law be henceforth earnestly loved by word and by work; then will God's mercy be the more ready for us all.

20. Let us also earnestly do, as we will yet teach, let us all be always faithful and true to our lord, and ever exalt his dignity with all our powers, and execute his will; because all that we ever do as just fidelity to our lord, we do it all to our own great behoof; because God verily is faithful to him who is rightly faithful to his lord: and also, every lord has very great need that he treat his men justly.

21. And we very earnestly instruct all Christian men, that they ever love God with inward heart, and diligently hold orthodox Christianity, and diligently obey the divine teachers, and meditate on and inquire into God's doctrines and laws, oft and frequently, for their own behoof.

22. And we instruct, that every Christian man learn so that he may at least be able to understand aright orthodox faith, and to learn the Paternoster and Creed: because with the one every Christian man shall pray to God, and with the other, manifest orthodox faith. Christ himself first sang Paternoster, and taught that prayer to his disciples; and in that divine prayer there are vii. prayers. Therewith, who inwardly sings it, he ever sends to God himself a message regarding every need a man may have, either for this life or for that to come. But how then can any man ever inwardly pray to God, unless he have inward true love for, and right belief in God: for after his departure hence, he may not, in community with Christian men, rest in a hallowed burial-place, or here in life be worthy of housel. Nor is he well a Christian who will

¹⁴ laeopan *B.* ¹⁵ heom *B.* ¹⁶ not in *B.* ¹⁷ ā mīht *G.* ¹⁸ not in *B.*
¹⁹ jeolfe *A.* ²⁰ ȝebebb *A.* ²¹ ȝeahte *B.* ²² ȝeapnbað *A.G.* ²³ not in *G.* ²⁴ not in *B.*

beon ¹ƿýrðe. ²Ne he ne bið pel ³criften þe þ̅ geleafman
⁴nele. ne he nāh mid ƿuhte oðreſ manneſ to onfōnne æt
 fulluhte ne æt biſceopeſ handa þe mā. ær he hit geleafnize
 þ̅ he hit pel cunne:.

⁵ UT EXITIALIA FUGIANT.!

xxiii. And pe lærað. þ̅ man ƿið heālice ⁶ſýnna ƿ ƿið deof-
 lice dæda ƿcýlbe ƿƿýðe georne on æghƿýlcne tíman. ƿ bēte
 ƿƿýðe georne. be hiſ ƿcufteſ geſeahte. geſe þurh deofleſ
 ƿcýſe on ⁶ſýnna befealle:.

ET INTER HÆC STUPRUM.

xxiv. And pe lærað. þ̅ man ƿið ƿúlne galſcipe. ƿ ƿið unƿiht
 hæmed. ƿ ƿið ⁷æghƿýlcne æp-brýce. ƿarſnize ſýmle:.

UT CAVEANT SIBI DE TREMEMDO JUDICIO.

xxv. And pe lærað eāc georne manna gehƿýlcne. þ̅ he
 Godes ege hæbbe ⁸ſýmle on hiſ gemýnde. ƿ dægeſ ƿ nihteſ
 ƿorhtize ƿor ſýnnum. ⁹ðōm-dæg onðræde. ƿ ƿor helle aſſiſe.
 ƿ æſſe him gehēnde ¹⁰ende dægeſ ƿene:.

UT EPISCOPI ET SACERDOTES FIDE OBEANT OFFICIA.

xxvi. Biſceopaſ ſindan býdelar ƿ Godes laze lāneopaſ. ƿ hī
 ƿceolan bodian ƿ býrman georne godcunde þearfe. ſýme geſe
 ƿýlle. ƿorþam ƿāc bið ge hýrðe funden to heorðe. þe nele þa
 heorðe þe he healðan ƿceal mid hƿeāme beſerian. butan he
 eller mæge. ſýſ þær hƿýlc þeōð-ſceaða ſceaðian onſinneð.
 Niſ nān ƿpa ýfel ſceaða ƿpa iſ deofol ſýlf. he býð ā ýmbe
 þ̅ ān. hū he on manna ſāulum mæſe geſceaðian mæge. Donne
 mōton þa hýrðar beon ƿriðe ƿācone. ƿ geornlice clýſigende.
 þe ƿið þone þeōð-ſceaðan ƿolce ƿceolon ƿcýlðan. þ̅ ſýndon
 biſceopaſ ƿ mæſſe-ƿneorcar. þe godcunde heorða beſarian ƿ
 beſerian ƿceolan mid ƿiſlican lāran. þ̅ ge ƿōð-ſſeāca ƿepe-ƿulſ
 to ƿƿýðe ne ſlíte. ne to ¹¹ſela ¹²ne ābíte of godcundre heorðe.
 ƿ geſe ofeſhōgie þ̅ he Godes bodan hlýſte. hæbbe him ge-
 mæne þ̅ ƿið God ſýlfne. ¹³A ſí Godes nama écelice gebletſod.

¹ ƿeorðe A.

² De A.

³ criftenne A.

⁴ nolde A. nyle B.

⁵ rubric, Lobe Lap B.

⁶ ſýnne B.

⁷ æghƿýlce B.

not learn it; nor may he lawfully receive another man at baptism, nor at the bishop's hand, before he so learns it that he well knows it.

23. And we instruct, that every one shield himself very carefully against deep sins and diabolical deeds at every time; and that he very carefully make 'bōt,' by counsel of his confessor, who, through impulse of the devil, has fallen into sins.

24. And we instruct, that every one ever guard himself against foul lasciviousness, and against fornication, and against every kind of adultery.

25. And we also earnestly instruct every man, that he constantly have the dread of God in his mind, and, by day and by night, that he fear for sins, dread dooms-day, and shudder for hell, and ever suppose the end of his day near to him.

26. Bishops are heralds, and teachers of God's laws, and it is for them earnestly to preach and set example for spiritual behoof; heed it who will: because weak is the shepherd found for the flock who will not defend with his cry the flock that he has to feed, (unless he can do otherwise,) if there any spoiler begins to spoil. There is none so evil a spoiler as is the devil himself; he is ever busy about that alone, how he can most injure the souls of men. Therefore must the shepherds be very watchful and diligently crying out, who have to shield the people against the spoiler; such are bishops and mass-priests, who are to preserve and defend their spiritual flocks with wise instructions, that the madly audacious werewolf do not too widely devastate, nor bite too many of the spiritual flock: and he who scorns to listen to God's preachers,

⁸ rymbles *B.*

¹² not in *B.*

⁹ bomef bæz *B.*

¹³ not in *A.*

¹⁰ enber *B.*

¹¹ jeola *B.*

ƿ lōf him ƿ puldop ƿ purðmunt rýmble æfre to worulde.
Amen:'

SECULAR.

Ðis is ¹þonne seo ²woruld cunde ³ƿerædnes þe ic ⁴ƿille mid
minan witenan ƿæde þ̅ man healde ofer eall Engla-land:.

DE JUSTITIA EFFERENDA.

I. ⁵Ðæt is þonne ⁶æresc þ̅ ic ƿýlle. þ̅ man' rihte ⁷laga
upp-⁸aræne ƿ ⁹æghwile ¹⁰unlaga ƿeorne ¹¹arýlle ¹²ƿ þ̅ man
¹³æweðige ƿ ¹⁴arýrtpalige ¹⁵æghwile unrihte ƿra man ƿeorrosc
¹⁶mæge of ¹⁷þýrum ¹⁸earde. And ¹⁹aræne up Godes riht. ƿ
²⁰heðnan-forð ²¹læte manna ²²æghwile. ge earumne ge
²³eadiġne. folc-rihtes ²⁴ƿýrðe. ²⁵ƿ him man rihte ²⁶domas
deme:'

DE MISERICORDIA EXHIBENDA IN JUDICIO.

II. ²⁷And þe lærað þ̅ þeah hƿa ²⁸agýlte ƿ hine ²⁹gýlne
deore forþýrce. þonne ³⁰geađige man ³¹þa ³²reore ƿra hit
for Gode ³³gý geberhlic ƿ for ³⁴worulde aberendlic. And
geþence ³⁵ƿiðe ƿeorne reþe domes ƿealð ³⁶æge ³⁷hƿæs he
gýl: ³⁸gýrne þonne he þur ³⁹ceðe. Et dimitte nobis debita
nosra ƿicut et nos dimittimus.⁴⁰ ⁴¹And þe ⁴²beodað þ̅ man'
cristene ⁴³men for ealles to ⁴⁴lýtum hƿu to deaðe ne
⁴⁵forwæde. ac elles ⁴⁶ƿeræde man ƿiðlice reora folce to
⁴⁷þearfe ƿ ne ⁴⁸forƿille for ⁴⁹lýtum Godes hand-ƿeorc ƿ
his ⁵⁰azenne ceap þe he ⁵¹deore gebohte:.

DE CHRISTIANO NON VENDENDO EXTRA REGNUM.

III. ⁵¹And þe ⁵²beodað þ̅ man' cristene ⁵³men ealles to

¹ not in G. ² woruld cunde A.D. ³ ƿerædnes A. ƿeræbnýrre B. ƿe-
ræbnýr G. ⁴ ƿýlle G. ⁵ And witenan ƿerædnes is þ̅ man D.
⁶ ærosc A. ærýr B. ⁷ lage B. ⁸ B.D. ⁹ æghwile G. ¹⁰ un-
lage B. ¹¹ arýlle D. ¹² not in B. ¹³ G. ¹⁴ arýrtpalie B.
¹⁵ æghwile B.D. ¹⁶ mæge A. ¹⁷ þýran D. þýrum G. ¹⁸ earde A.
¹⁹ arape A. ²⁰ B. ²¹ heonan- B.G. ²² B. ²³ æghwile D.
²⁴ eadiġe A. ²⁵ ƿeorðe B. ƿýrðe beon D. ²⁶ not in D. ²⁷ domes
A. ²⁸ And witenan ƿerædnes is þ̅ man D. ²⁹ agýlte D. ³⁰ gýlne D.

let that be between him and God himself. Ever be the name of God eternally blessed, and to him praise and glory and honour for ever and ever. Amen.

SECULAR.

This then is the secular ordinance which, by the counsel of my 'witan,' I will that it be observed over all England.

1. That is then the first that I will; that just laws be established, and every unjust law carefully suppressed, and that every injustice be weeded out and rooted up, with all possible diligence, from this country. And let God's justice be exalted; and henceforth let every man, both poor and rich, be esteemed worthy of folk-right, and let just dooms be doomed to him.

2. And we instruct, that though any one sin and deeply foredo himself, let the correction be regulated so that it be becoming before God and tolerable before the world. And let him who has power of judgment very earnestly bear in mind what he himself desires, when he thus says: 'Et dimitte nobis debita nostra, sicut et nos dimittimus.' And we command that Christian men be not, on any account, for altogether too little, condemned to death: but rather let gentle punishments be decreed, for the benefit of the people; and let not be destroyed for little God's handy-work, and his own purchase which he dearly bought.

3. And we command, that Christian men be not too readily

³⁰ *zefabie B. meðemize D.* ³¹ *not in G.* ³² *ƿceopæ A.* ³³ *ƿi A.G.*
³⁴ *ƿepulbe A. ƿopulbe D.* ³⁵ *ƿpýðe A.G.* ³⁶ *B.D.G.* ³⁷ *hƿæt D.*
³⁸ *geopne A.* ³⁹ *cƿeð A.D.* ⁴⁰ *- þ ƿ on Eŋlſƿe ƿ ƿopzýf ƿƿ Drihten*
ƿƿe zýltaƿ ƿƿa ƿe ƿopzýrað þam þe ƿið ƿƿ aƿýltað. G. ⁴¹ *ƿnð ƿitena*
ƿepæbneƿ ƿƿ þ man D. ⁴² *ƿopbeobað B.* ⁴³ *menn A.* ⁴⁴ *hlum D.*
⁴⁵ *B.* ⁴⁶ *þæpƿe A.* ⁴⁷ *ƿopƿille man B.* ⁴⁸ *hlum A.D.* ⁴⁹ *aƿene*
B. ⁵⁰ *beope A.* ⁵¹ *ƿnð ƿitena ƿepæbneƿ ƿƿ þ man D.* ⁵² *ƿopbeobað*
A.G. ⁵³ *menn A.*

¹ƿriðe of ²earþe ne ³ƿýlle ne on ⁴hæðenðome ⁵huru ne ⁶ge-
brunge. ac ⁷beorþe man georþne' þ' man þa ⁸ƿapla ne ⁹ƿorþfære
þe Eþurc mid hƿ azenum lƿfe gebohte:.

DE SAGIS, SORTILEGIS, &c. EJICIENDIS.

iv. ¹⁰And pe beodað þ' man earþ georþne clænƿian ¹¹aƿinne
on ¹²æghƿýlcan ¹³énðe. ƿ ¹⁴mānfulra dæda ¹⁵æghƿar ¹⁶ƿerþice.
ƿ ƿif ¹⁷ƿiccan ofþe ¹⁸ƿigleƿar ¹⁹moþð-ƿýrhtan ofþe ²⁰hór-
cƿenan ²¹ahƿar on lande ²²ƿurðan ²³aƿýtene ²⁴ƿýre ²⁵hi man
georþne ut of ²⁶þýrran earþe. ²⁷ofþe on earþe ²⁸ƿorþfære ²⁹hi
mid ealle. ³⁰buton ³¹hi ³²ƿerþican ƿ þe ³³ðeoppor ³⁴gebéten.

³⁵And pe beodað þ' ƿiðerƿacan ƿ ³⁶úclaƿan Eodeƿ ƿ manna
of ³⁷earþe ³⁸ƿerþitan. ³⁹buton hiƿ ⁴⁰gebuðƿan ƿ þe ⁴¹georþnor
⁴²gebétan. ƿ ⁴³þeofar ƿ þeod-ƿceaðan to ⁴⁴éiman ⁴⁵ƿorþƿurðan
buton hiƿ ƿerþican:.

⁴⁶BE ƿÆÐENSLIPE.—DE GENTILIUM SUPERSTITIONIBUS
ABOLENDIS.

v. ⁴⁷And pe ƿorþeodað eorþnorþlice ælcne ⁴⁸hæðenƿcipe.
⁴⁹hæðenƿcipe ⁵⁰bið þ' man ⁵¹idola ƿeorðige. þ' iƿ þ' ⁵²man
ƿeorðige ⁵³hæðene ƿoðar ƿ runnan ⁵⁴ofþe monan. ƿýr ⁵⁴ofþe
flod. ⁵⁵ƿæter-ƿýllar ofþe ƿtanar. ofþe æniƿer cýnner ⁵⁶ƿúdu-
tƿeopa. ⁵⁷ofþe ⁵⁸ƿicce-cƿærft ⁵⁹lufige. ⁶⁰ofþe moþð-ƿeorþe ge-
fremme. on æniƿe ⁶¹ƿýran. ⁶²ofþe ^a ⁶³on bloƿe ⁶⁴ofþe ^b on
ƿýrhte' ⁶⁵ofþe on ƿƿýlcra' ⁶⁶geðƿiméra æniƿ ⁶⁷þiƿg ðneoge:.

¹ ƿriðe *A.* ² earþan *B.* ³ ƿille *D.* ⁴ hæðeneðome *A.* ⁵ *not in A.*
⁶ brunze *B.* gebrýnre *D.* ⁷ beorþan *B.* ⁸ ƿaule *G.* ⁹ *B.* ¹⁰ And
ƿitena ƿeræbner iƿ þ' *D.* ¹¹ aƿýnne *A.* onƿýnne *D.* ¹² æghƿilcon *D.*
¹³ *B.* ¹⁴ *B.D.G.* ¹⁵ æghƿær *A.G.* ¹⁶ ƿerþice *A.* ¹⁷ *B.* ¹⁸ ƿic-
cean *G.* ¹⁹ ƿigleƿer *B.* ²⁰ moþð-ƿýtan *A.* moþð-ƿýrhtan *D.* ²¹ *B.*
D.G. hoƿceonan *B.* ²² ahƿær *A.G.* ²³ ƿurðon *B.* ²⁴ aƿýtene *D.*
²⁵ ƿýre *A.* ƿýre *D.* ²⁶ hiƿ *G.* ²⁷ þýrran *A.* þýrran *B.* þýrrum *G.*
²⁸ ofþon *G.* ²⁹ ƿorþfære *A.* ƿorþfaran *G.* ³⁰ hiƿ *A.G.* ³¹ butan *G.*
³² hiƿ *D.G.* ³³ ƿerþýcan *A.* ³⁴ ðeoppor *A.* ðeoppar *G.* ³⁵ gebeten

^a The variation 'on hlotæ' is only found in the least accurate of our mss., though it appears to have occurred in the text used by the author of the old Latin version, 'aut in sorte.' There is no other record of its existence, and 'on bloƿe' is supported by the reading of the N. P. L.

sold out of the land; and especially be not brought into heathendom; but let it be carefully guarded against, that those souls be not made to perish which Christ bought with his own life.

4. And we command, that ye undertake diligently to cleanse the country on every side, and every where to desist from evil deeds: and if witches or diviners, 'morth'-workers or adulteresses, be any where found in the land, let them be diligently driven out of this country; or let them totally perish in the country, except they desist and the more thoroughly amend.

And we command, that adversaries and outlaws of God and men retire from the country, unless they submit and the more earnestly amend: and let thieves and public robbers forthwith perish, unless they desist.

OF HEATHENISM.

5. And we earnestly forbid every heathenism: heathenism is, that men worship idols; that is, that they worship heathen gods, and the sun or the moon, fire or rivers, water-wells or stones, or forest trees of any kind; or love witchcraft, or promote 'morth'-work in any wise; or ^a by 'blot,' or ^b by 'fyrht,' or perform any thing pertaining to such illusions.

A. ³⁵ *B.* ³⁵ *Ænð* *pitena* *zeræðnes* *yr* *þ* *D.* ³⁶ *B.* ³⁷ *eapðæ* *G.*
³⁸ *B.* ³⁹ *bucan* *G.* ⁴⁰ *B.* *zebugon* *D.* ⁴¹ *geornar* *A.* ⁴² *becan*
A. ⁴³ *þeoƿan* *D.* ⁴⁴ *B.G.* ⁴⁵ *forpƿrðan* *A.* *forpeorðan* *G.*
⁴⁶ *This law not in D.* ⁴⁷ *not in B.* ⁴⁸ *hæðenſcype* *A.* ⁴⁹ *hæðen-*
ſcype *A.* ⁵⁰ *þ* *bið* *þ* *B.* ⁵⁰ *býð* *D.G.* ⁵¹ *isol* *B.* *deorol-gýls* *G.*
⁵² *mann* *A.* ⁵³ *haðene* *A.* ⁵⁴ *oppon* *G.* ⁵⁵ *B.* ⁵⁶ *peoba-ſreopa* *A.*
⁵⁷ *oppon* *G.* ⁵⁸ *piccan-* *A.* ⁵⁹ *luſe* *B.* ⁶⁰ *oppon* *G.* ⁶¹ *pýſan*
A. ⁶² *oppon* *G.* ⁶³ *on* *hlocæ* *A.* ⁶⁴ *oppe* *fýphre* *A.* *oppon* *fýphre*
G. ⁶⁵ *oppon* *ſpýlcra* *G.* ⁶⁶ *zebrýmepa* *A.* ⁶⁷ *þineg* *G.*

^b The only translation which could be offered of this word is 'affright;' but introduced as it is in conjunction with 'on bloce,' the connexion seems too remote and the term too general to warrant such an interpretation.

DE HOMICIDIS, PEJERANTIBUS, ET MŒCHANTIBUS.

vi. Wān-ſlagan ⁊ 1mān-ſpropan. 2hād-bpēcan ⁊ 3æp-bpēcan
gebugan ⁊ 4gebētan. oþþe of 5cýððe mid ſýnnan 6geſitan:.

DE COHIBENDIS ASSENTATORIBUS.

vii. 7Liceteſaſ ⁊ leogeſaſ. 8ſýpeſaſ ⁊ 9neafeſaſ. Frodeſ
ſnaman 10habban 11buton 12hiſ 13geſpican 14⁊ þe 15deoppoſ
gebetan. ⁊ 16ſeþe 17pýlle eapð rihtlice clænſian ⁊ unriht
18alecgan ⁊ 19rihtſpýneſſe lupian. þonne mot he georne
20þýlliceſ 21ſcýpan ⁊ 22þýllic aſcunian:.

BE FEOS-BOTE. — DE PACE TUENDA ET MONETA
CORRIGENDA.

viii. 22Utan eac ealle 23ýmbe ſpýðeſ-bote ⁊ 24feðſ-bote
25ſmeagan ſpýðe georne. ſpa 26ýmbe 27ſpýðeſ-bote ſpa 28þam
bondan. 29ſýſſeſ ⁊ þam þeoſan ſi 30laðoſ. ⁊ ſpa 31ýmbe
32feðſ-bote þ an mýnet gange oſer ealle þaſ þeode 33butan
ælcon ſaſſe ⁊ þ nan 34man ne 35ſoſſaſe. ⁊ ſeþe oſer þiſ ſaſſe
36ſýſſeſ 37þoſiſe 38þæna handa þe he þ ſaſſe 39mid ſoſhte ⁊ he
40hi mid 41nanum þingum ne 42gebiſe. ne mid ſolde ne mid
ſeoſſe. ⁊ 43ſiſ man þonne 44þone. geſeſan. 45teð þ he be hiſ
46leafe þ ſaſſe ſoſhte. 47laðiſe hine mid þiſſeſe 48laðe. ⁊
49ſiſ ſeo 50lað þonne 51beſſeſ. 52habbe 53þone 54ilcan 55ðom
56þe ſeþe þ ſaſſe ſoſhte:.

DE JUSTO PONDERE.

ix. 57And 58gemēta ⁊ 59geſihta 60ſihte man georne. ⁊ ælceſ
unrihter 61heonon-ſoſð 62geſſeſ:.

DE INSTAURATIONE OPPIDORUM ET PONTIUM.

x. And 64buph-bota ⁊ 65bupcſ-bota ⁊ 66ſcip-ſoſðunga

1 *A.G.* manſpropan *A.* 2 *B.G.* habbpican *D.* 3 æp-bpican *D.*
4 *G.* 5 cýððe *A.* cýððan *B.* 6 *G.* 7 Siccopaſ *A.* Licceteſaſ *G.*
8 nepeſaſ *A.* ſipeſaſ *D.* 9 hpeaſaſaſ *B.* 10 habban æſſe *A.G.*
11 butan *G.* 12 hi *D.* 13 geſpýcan *A.* 14 *not in D.* 15 deoppaſ *G.*
16 pille *A.* 17 a leſan *A.* 18 rihtſpýne *A.* rihtſpýneſſe *B.* 19 þilliceſ
B.G. 20 ſeoſan *B.* 21 þillic *A.D.* 22 Uton *B.* 23 ⁊ embe ſpýðeſ-
A. 24 *A.* 25 ſmeaſian *B.* 26 embe *A.G.* 27 ſpýðeſ- *A.* 28 þan
bunban *A.* 29 ſi *G.* 30 laðoſ *A.* 31 embe *A.* 32 *A.* 33 buton
A. 34 mann *A.* 35 *B.* 36 ſiſſeſ *A.* 37 þoſe *B.* 38 þaſa *B.*
39 midde *A.* 40 hiſ *A.* 41 *B.* 42 nanon þingon *G.* — þingſa *A.* 43 býce
B. 44 ſiſſeſ *B.G.* 45 þæne *G.* 46 þone ſeſan *B.* 47 *B.* 48 hleafe *B.*

6. Let manslaughterers and perjurers, violators of holy orders and adulterers, submit and make 'bōt;' or with their sins retire from the country.

7. Let cheats and liars, robbers and reavers, have God's anger, unless they desist, and the more thoroughly amend: and whoever will lawfully cleanse the country, and suppress injustice, and love righteousness, then must he diligently correct such things, and shun the like.

OF 'FEOS-BŌT.'

8. Let all of us likewise very earnestly take into consideration 'frith-bōt' and 'feos-bōt:' so concerning 'frith-bōt,' as may be best for the proprietor, and most hostile to the thieves: and so concerning 'feos-bōt,' that one money pass over all the nation, without any counterfeit, and let no man that refuse; and he who after this shall make false, let him forfeit the hands with which he wrought that false, and not redeem them with any thing, neither with gold nor with silver: and if any one accuse the reeve, that he wrought that false by his leave, let him clear himself with a threefold 'lād:' and if the 'lād' then fail, let him have the same doom as he who wrought the false.

9. And let weights and measures be carefully rectified, and every species of injustice henceforth abstained from.

10. And let ^a'burh-bōts,' and 'bricg-bōts,' and 'scip-for-

⁴⁷ labie *B.* ⁴⁸ lab *A.* ⁴⁹ ȝýf *B.G.* ⁵⁰ " *B.* ⁵¹ býppte *B.* ⁵² hæbbe *G.* ⁵³ þonne *A.* ⁵⁴ ylcan *G.* ⁵⁵ " *B.* ⁵⁶ not in *A.* ⁵⁷ not in *B.* ⁵⁸ gemēta *A.* " *B.G.* ⁵⁹ ȝepýhta *A.* ⁶⁰ pihra *A.* ⁶¹ heonan- *A.* not in *B.* ⁶² ȝerpicæ *A.* " *B.* ⁶³ *D.* closes here, and continues with *Cn. Eccl.* 6. ⁶⁴ bupg-bota *A.* ⁶⁵ bpicg-bote *A.* bñýcz-bota heonan-forð. *B.* ⁶⁶ ȝcip-ȝýpðunza *B.*

^a 'Buph-bote,' the repairing of fortresses; bpicg-bote, the repairing of bridges; and 'ȝýpðunza' (below called ȝýpð-ſape) military service, are the three public duties mentioned in the Latin docu-

aƷinne man Ʒeorne. ⁊ fýrðunƷa eac ¹rǫá ²á þonne þearf ³rý
for ⁴Ʒemænelicpe neode:.

DE CONSILII AD UTILITATEM REIPUBLICÆ PERTI-
NENTIBUS.

xī. And ⁵rmeaƷe man ⁶rýmle on æƷhpýlce ⁷ríran hu man
fýrmeƷt ⁸mæƷe ⁹ræd ¹⁰arēðian þeode to þearfe ⁊ rihtne
cƷurtenðom ¹¹rǫðoƷt ¹²árwæran. ⁊ ¹³æƷhpýlce ¹⁴unlaƷa ƷeornorƷt
¹⁵arýllan. forþam þurh þ̅ hit rceal on earðe ¹⁶Ʒōðian to ahte
þ̅ man unriht alecƷe ⁊ ¹⁷rihtƷirneƷre ¹⁸lurige. for God e ⁊ for
populde. ¹⁹Amēn:.

DE AUCTORITATE REGIS IN VIOLATIONE PACIS, &c.

xīī. Ðiŕ ²⁰rýndon þa ²¹ƷerihƷta þe re ²²cýning ah ofeŕ calle
²³men ²⁴on ²⁵Ʒer-ŕexan. þ̅ iŕ ²⁶munð-brýce ⁊ ham-roene.
²⁷forŕteal ⁊ flýmena-rýmðe ⁊ fýrð-riƷe. buton he ²⁸hræne
²⁹ŕurðor ³⁰Ʒemæðŕuan pýlle. ³¹⁊ he him þær ƷeorðƷcipeŕ
Ʒeunne:.

UTLAGA.

xīīī. And reþe ³²útlageŕ peoŕc Ʒepýrce pealde re ³⁴cýninge
þær f̅riðeŕ. And Ʒýf he ³⁵bōc-land ³⁶hæbbe rý þ̅ forpophƷt
þam ³⁷cýningce to ³⁸hānda. ³⁹rý þær manneŕ man þe he
⁴⁰rý. And ⁴¹lōc ⁴²hrā þone ⁴³flýman ⁴⁴fēde ofþe ⁴⁵Ʒeoruie
⁴⁶Ʒýlde f̅r punð þam ⁴⁷cýningce. buton he hine ƷeladiƷe þ̅
he hine ⁴⁸flema nýrte:.

1 ¹ B. 2 ² B.G. 3 ³ rī G. 4 ⁴ Ʒemenelicpe A. mænelicpe B. 5 ⁵ rmeaƷa
A. 6 ⁶ Ʒeorne B. 7 ⁷ B. 8 ⁸ meƷe A. ⁹ B. 9 ⁹ B. 10 ¹⁰ A. 11 ¹¹ rǫðarƷ
B. 12 ¹² A. ¹³ B. 13 ¹³ æƷhpýlce G. 14 ¹⁴ unlaze B. unlaza G. 15 ¹⁵ arýllen
B. 16 ¹⁶ A. 17 ¹⁷ rihtƷirneƷre B. 18 ¹⁸ lurie B. 19 ¹⁹ not in A. 20 ²⁰ rīn-
ðon B. 21 ²¹ ƷerihƷt A. 22 ²² einƷe A. cýningce . 23 ²³ menn A. 24 ²⁴ not
in A. 25 ²⁵ Ʒer-ŕexan A. 26 ²⁶ munð-brýce A. 27 ²⁷ forŕteal G. forŕtal

ments under the name of 'trinoda necessitas.' The constant language of the royal grants is: 'Libere ab omni servitio, exceptis pontis et arcis constructione et expeditione contra hostem.' 'Scip-forðunƷa,' or the furnishing an equipment for the fleet, is first mentioned in the laws of Ethelred.

^a The Latin version gives the following gloss of these terms: 'munð-brýce,' infractionem pacis, the king being the mundbora or protector of all his subjects; 'ham-rocn,' invasio in propria domo aut infra curiam causa alicujus mali; 'forpƷteal,' quod nos possumus dare

things,' be diligently set about; and 'fyrdungs' also, whenever it is requisite, for our common need.

11. And be it constantly inquired, in every wise, how counsel may most especially be devised for the benefit of the nation; and orthodox Christianity most exalted, and unjust laws most diligently abolished: because through that it shall turn to some good in the country, that injustice be put down, and justice loved, before God and before the world. Amen.

12. These are the rights which the king enjoys over all men in Wessex: that is, 'mund-bryce' and 'ham-socn,' 'forstal,' and 'flymena-fyrmth,' and 'fyrd-wite,' unless he will more amply honour any one, ³¹and concede to him this worship.'

OUTLAWRIES.

13. And whoever does a deed of outlawry, let the king have power of the 'frith.' And if he have 'boc-land,' let that be forfeited into the king's hand; be he man of whatever man he may. And take notice, whoever may feed or harbour the 'flyma' shall pay five pounds to the king, except he shall clear himself that he knew not of his being a 'flyma.'

7 fýrþigze buton, &c. *A.* forþtal 7 fýrþrite buton, &c. *B.* ²⁸ *B.*
²⁹ þe fupðop *G.* ³⁰ mæðþian *A.* zemæðian *B.* ³¹ *G.* add. ³² not
 in *B.* ³³ *A. B.* ³⁴ cýnþ *B.* cínþe *G.* ³⁵ *B.* ³⁶ habbe *B.*
³⁷ cýnþe *B.* cínþce *G.* ³⁸ *B.* hanþe *B. G.* ³⁹ 71 *G.* ⁴⁰ 713 *G.*
⁴¹ *B.* ⁴² fléman *B.* ⁴³ *B.* ⁴⁴ feorþmize *B.* ⁴⁵ 7ulþe *G.* ⁴⁶ cýnþe
B. cínþce *G.* ⁴⁷ butan *G.* ⁴⁸ fleame *A. G.*

contrastacionem causa mali. In the statutes of Speier ham-socen is thus defined: 'Das heisset Heimsuche, da man freveliche Imannes Thur, Porte, Want, oder Fenster uffstiesse, oder drin huwe, oder in iemans Hoff oder Huss gienge, und Jemand dinne verserte, der git zehend Pfund Spirscher.' *Haltaus, in voce.* 'It is called ham-socen, that is to say, whoever with a strong hand breaks open any man's door, gate, wall, or window, or attempts to force them, or goes into any man's curtilage or house, and injures any one therein, let him pay ten pounds Speierish.'

xiv. And on Wýrcean he ah ¹eal gpa hep-beorpan ²geppiten
 17 ofep ³ealle men:-

REX MULCTAS PACIS VIOLATÆ IN REGIONIBUS
 DACORUM ACCIPIAT.

xv. And on ⁴Dena-lage ⁵hē ah ⁶fýhte-pita 7 ⁷fýrð-pita 8 7
⁸zpuð-brýce 9 ham-rocne. buton he ⁹hpæne ¹⁰fupðop ¹¹ze-
 mæðpian ¹²pýlle. 13 7 ¹³zif hpa ¹⁴þæne fpuð-leapan man healde
 ofþe ¹⁵feorpmige bete þ gpa hit ¹⁶æp lagu ¹⁷pæf. And feþe
 unlage næpe ofþe ¹⁷undóm gedeme ¹⁸heðnon-fopð. for læððe
 ofþe ¹⁹for ²⁰feoh-fange. beo fe pið ²¹þone ²²cýningc ²³hund-
 tpeftiz rcift. ²⁴rcýldiz on Engla-²⁴lāge. ²⁵butan he ²⁶mīð aðe
 cýþan duppe þ he ²⁶hīt ²⁷na puhtop ne ²⁸cūðe. 7 ²⁹þolige ³⁰aa
 hif þegen-³¹rcipef butan he ³²hīne æt ³³þæm ³⁴cýningc ³⁵ge-
 býcge ³⁶7 gpa ³⁷hē ³⁸him gepapian ³⁹pýlle. And on ⁴⁰Dena-
 laga lah-rlitef rcýldiz ⁴¹buton he ⁴²hīne geladize þ he na bet
 ne cuðe. And feþe puhte lage 7 ⁴³puhtne dom' forpface beo
 he rcýldiz pið ⁴⁴þone þe hit ⁴⁵āge. gpa pið ⁴⁶cýningc ⁴⁷.cxx.
⁴⁸rcift. ⁴⁹7 gpa ⁵⁰pið eop ⁵¹.lx. rcift. gpa pið hundped .xxx.
 rcift. gpa pið ælc ⁵²þæpa zif' hit gpa gepopðeð on Engla-
 lage. 7 feþe on ⁵³Dena-lage puhte lage pýpðe ⁵⁴ðýlde he
⁵⁵lah-rlite:-

DE PENA CONVITIATORUM.

xvi. And feþe oðerne mīð ⁵⁶pō for-peczan ⁵⁷pille. þ he
⁵⁸aðep ofþe feo ofþe ⁵⁹freme þa pýpfe ⁶⁰gý. ⁶¹zif þonne fe
⁶²oðep þ zeunroðian mæge þ ⁶³hīm man onpeczan polde. ⁶⁴gý
 he hif tungan rcýldiz. ⁶⁵buton he ⁶⁶hine ⁶⁷mīð hif ⁶⁸pēpe
⁶⁹forzilbe:-

NEMO REGI DE ALTERIUS INJURIIS QUERATUR.

xvii. ⁷⁰And ne ⁷¹gepēce nan man ⁷²þone ⁷³cýningc ⁷⁴buton
 he ne mote beon nanef puhtef ⁷⁵pýpðe innan hif hundpede

¹ eall G. ² gepfytan A. appiten G. ³ eall G. ⁴ Dæna- G. ⁵ ^ B.
⁶ fýht-pite A. fihc-pite B. ⁷ fýrð-pite A. ⁸ zpýð- G. ⁹ ^ B.
¹⁰ þe fupðop G. ¹¹ zemeðpian A. ¹² pille A. ¹³ zif B.G. ¹⁴ þonne
 A.B. ¹⁵ feorpmie G. ¹⁶ not in B. ¹⁷ ^ B. ¹⁸ heðnan- B. ¹⁹ not
 in A. ²⁰ feoh-fangc A. feoh- G. ²¹ þonne A. ²² cýnz B. cingz G.
²³ cxx. G. ²⁴ hif peopef A. ²⁵ ^ B. ²⁶ buton B. ²⁷ nan A.
²⁸ ^ G. ²⁹ þolie B. ³⁰ " B. ³¹ -rcýpef A. ³² ^ B. ³³ þam B.
³⁴ cýnz B. cincze G. ³⁵ gebicze A. eft gebicze G. ³⁶ not in A.B.
³⁷ ^ B. ³⁸ hým þapian A. ³⁹ pille G. ⁴⁰ Dena-lage B. ⁴¹ butan G.

14. And in Mērcia he enjoys all as is here before written, over all men.

15. And by Danish law he enjoys 'fight-wites,' and 'fyrd-wites,' and 'grith-bryce,' and 'ham-soen,' unless he will honour any one more amply: and if any one keep or harbour a 'frithless' man, let him make 'bōt' for it, as the law formerly was. And he who shall henceforth set up unjust law, or doom unjust doom, for hatred or bribery, let him be liable to the king in a hundred and twenty shillings, by English law, unless he dare to prove on oath that he knew not aught more just; and let him ever forfeit his thaneship, unless he repurchase it of the king, and as he will allow him. And by Danish law, let him be guilty of 'lah-slit,' unless he clear himself, that he knew no better. And he who denies just law and just doom, let him be liable unto him who is entitled to it: either to the king in cxx. shillings, or to an 'eorl' in lx. shillings, or to the hundred in xxx. shillings; so with every of them, if it so happen, by English law: and he who by Danish law shall corrupt just law, let him pay 'lah-slit.'

16. And he who shall accuse another wrongfully, so that he be the worse either in substance or advancement, if then the other can show to be false that which one would charge upon him; let him be liable in his tongue, unless he redeem himself with his 'wēr.'

17. And let no one apply to the king, unless he may not be entitled to any justice within his hundred; and let the hun-

⁴² ~ B. not in G. ⁴³ nūht som B. ⁴⁴ þonne A. ⁴⁵ ~ G. ⁴⁶ cýnz B. ⁴⁷ hunb-æpelftýz B. ⁴⁸ fcyll. A. ⁴⁹ not in B. ⁵⁰ pýð A. ⁵¹ fýxtýz B. ⁵² þāpa zýf B. ⁵³ Dane-laza A. ⁵⁴ zúlbe A. ⁵⁵ ~ B. lahrlit G. ⁵⁶ poh A. ~ B. G. ⁵⁷ pýlle G. ⁵⁸ aðor A. ⁵⁹ feopme A. fpeoma B. ⁶⁰ f1 B. G. ⁶¹ zýf B. G. ⁶² oðor A. ⁶³ ~ B. ⁶⁴ f1 G. ⁶⁵ butan G. ⁶⁶ him. B. ⁶⁷ not in A. ⁶⁸ ~ B. ⁶⁹ fongýlbe B. ⁷⁰ not in B. ⁷¹ ~ B. ⁷² þonne B. G. ⁷³ cýnz B. cýncz G. ⁷⁴ butan G. ⁷⁵ pýrðe A. pýrðe B.

¹ƿ ƿece man hundƿeðeƿ ²Ʒemōt be ³ƿíte. ⁴eal ƿƿa hit ⁵ƿiht ƿ
to ⁶ƿecanne:.

DE COMITIIS MUNICIPALIBUS.

xviii. And ⁶habbe ⁷man ⁸ƿƿƿa ⁹on Ʒeape⁹ buh-Ʒemot.
ƿ ¹⁰ƿa ƿcƿ-Ʒemot. be ƿite eal ƿƿa hit ƿiht ƿ buton hit
ofƿor neod ƿ. And ƿæƿ beo on ¹¹ƿæƿe ƿcƿe¹¹ biƿceop ƿ ƿe
ealƿorman. ƿ ƿæƿ æƷðeƿ ¹²tæcan Ʒe Froðeƿ ƿiht Ʒe ¹³ƿoruld-
ƿiht:.

BE ¹⁴NATAC. — NE ALIUM INTRA SATRAPEM COERCEAT.

xix. ¹⁵And ne ¹⁶nime ¹⁶nān man ¹⁷nane name. ne ¹⁸innan
¹⁹ƿcƿe ne ut of ²⁰ƿcƿe. æƿ ²¹man ²²hæbbe ²³ƿƿƿa on ²⁴hun-
ðeðe hiƿ²⁴ ƿihteƿ ²⁵Ʒebeden. ²⁶Liƿ he æt ƿam ƿriððan ²⁷cƿƿe
nan ƿiht ²⁸næbbe ƿonne ƿape he ²⁹ƿeorðan ƿiðe²⁹ to ³⁰ƿcƿ-
Ʒemote. ƿ ƿeo ƿcƿ him ƿette ³¹ƿone ƿeorðan andagan.³¹ ³²Liƿ
ƿe ƿonne beƿƿte³² nime ³³ƿonne leaƿe³³ ³⁴Ʒe heonon Ʒe ³⁵ƿanon
ƿ he mote ³⁶hentan æƿteƿ ³⁷hiƿ aƷenan:.

DÆT ÆLL MŌN BEO ON TEODUNGE. — NEMO LIBER IN CENTURIAM SE CONJICIAT.

xx. ³⁸And ƿe ƿýllað ƿ ælc ƿneoman beo on hundƿeðe ƿ on
teoðunge Ʒebroht ƿe laðe ƿƿiðe beon ³⁹ƿýlle ⁴⁰oƿþe ƿeƿe
ƿƿiðe. Ʒƿƿ hine ⁴¹hƿa aƿýlle⁴¹ ⁴²oƿeƿ .xii. ƿintƿe.⁴² ⁴³oƿþe he
ne beo ⁴⁴ƿƿƿan æniƷeƿ ƿne-ƿihteƿ ƿƿiðe. ⁴⁵ƿƿ he ⁴⁶heorð-
ƿæƿt ⁴⁷ƿƿ he ƿolƷeƿe. And ƿ ælc ⁴⁸ƿƿ on hundƿeðe ƿ on
⁴⁹boƿge Ʒebroht. ƿ Ʒehealde ƿe boƿh ⁴⁹hine ƿ ⁵⁰Ʒelæðe to

¹ not in B. ² B. ³ eall G. ⁴ not in G. ⁵ ƿeacan A. ƿecanne G.
⁶ hæbbe B. ⁷ mann G. ⁸ ƿneopa B. ⁹ on Ʒeapa A. not in B.
¹⁰ ƿa G. ¹¹ ƿape ƿcƿe A. ¹² tæcean A. ¹³ ƿeoruld A. ¹⁴ B.
¹⁵ not in B. ¹⁶ G. ¹⁷ not in A. ¹⁸ inne B. ¹⁹ ƿcƿan A.
²⁰ ƿcƿe A. ²¹ mann G. ²² habbe A. ²³ ƿƿƿa A. not in B.
²⁴ hundƿeðe A. ²⁵ Ʒebebān A. ²⁶ Liƿ B. ²⁷ cƿe A. ²⁸ nabbe A.
²⁹ æt ƿam ƿeorðam ƿiðe A. ³⁰ ƿcƿ- A. ³¹ ƿanne ƿeobban ƿon

^a The Latin version reads: 'Et de hiis qui non (habent) terram sed serviunt aliis, quos Angli vocant husfest et folgeres.' If there be any accuracy in this definition, we may suppose the distinction to have consisted in those free ministeriales who resided under the lord's roof, and those who either had a house assigned them or had a house of their own. On the other hand, without this dictum it would be more natural to interpret the law thus: *All* freemen are to

dred-‘gemōt’ be applied to, under penalty of the ‘wite,’ so as it right is to apply to it.

18. And thrice a year let there be a ‘burh-gemōt,’ and twice, a shire-‘gemōt,’ under penalty of the ‘wite,’ as is right; unless there be need oftener. And let there be present the oishop of the shire and the ‘ealdorman,’ and there let both expound as well the law of God as the secular law.

OF DISTRESS.

19. And let no man take any distress, either in the shire or out of the shire, before he has thrice demanded his right in the hundred. If at the third time he have no justice, then let him go at the fourth time to the shire-‘gemōt,’ and let the shire appoint him a fourth term. If that then fail, let him take leave, either from hence or thence, that he may seize his own.

THAT EVERY MAN SHALL BE IN A TITHING.

20. And we will, that every freeman be brought into a hundred, and into a tithing, who wishes to be entitled to ‘lād’ or to ‘wēr,’ in case any one shall slay him after he is XII. years of age; or let him not afterwards be entitled to any free rights, be he ^a ‘heorth-fæst,’ be he follower. And that every one be brought into a hundred and in ‘borh,’ and let the

anbāzan *A.* ³² *Lyf A.G.* ‘*And 31f je anbāzan þonne byrre B.*
³³ þanne ge leape *A.* ³⁴ æðep ge *G.* ³⁵ þeonon *B.* ³⁶ hemten *A.*
hætan B. ³⁷ 1f aȝan *B.* ³⁸ not in *B.* ³⁹ pille *A.* ⁴⁰ oppon *G.*
⁴¹ hpa fülle *A.* ‘‘*hpa afülle orep epelf pynre B.* ⁴² orep þ he
 bið *G.* ⁴³ oppon *G.* ⁴⁴ not in *B.* ⁴⁵ 11 *G.* ⁴⁶ boph *B.* ⁴⁷ *B.*
⁴⁸ læbe *A.*

be brought to the hundred and the tithing — all, whether they are heorth-fast (*i. e.* living independent and having a house of their own) or followers (*i. e.* those who have commended themselves to some lord). The old German ‘herdfest’ is explained by Haltaus: ‘mansionarius, fundum et domum familiarem propriam possidens.’ Moreover, by c. 28. the lord was to answer for his hired-men, or those who, strictly speaking, were of his family.

¹ælcan rihte. ²ƿanig ³ŕƿecman pýle ⁴gýf he mæg y mot
 ƿerian hiŕ man ƿpa hƿæðer him ⁵þincð ꝥ he hine ⁶eað aƿerian
⁷mæge. ⁸ŕƿa for ƿrugne ⁹ŕƿa for þeorne. Ac ƿe ¹⁰nellað
 geþarian ꝥ unrihte.

BE DEOFAN.

xxi. ¹And ƿe pýllað ꝥ ælc man ofen ²ƿelf ƿintre pýlle þone
 að ꝥ he ³nelle þeof beon ne þeofes geƿita.

DE FIDELIBUS ET INFIDIS IN JUREJURANDO.

xxii. And ¹ŕý ælc ²getrýpa man þe ³tiht-býrig ⁴næpe
 y ⁵naðor ne burŕe ne að ne orðal ⁶innan hundreðe ⁷an-
 fealðre laðe pýrðe. And ⁸ungetrýpan men ceore man ⁹an-
 fealðne að on ¹⁰þrum ¹¹hundreðum. y ¹²þrýfealðne að ƿpa
¹³ƿiðe ƿpa hit to ¹⁴þære ¹⁵býrig hýne. ¹⁶oþþe ¹⁷ga to ¹⁸þam
 orðale ¹⁹y ²⁰ofga man ²¹anfealðe ²²laðe ²³mið ²⁴anfealðan
 for-aðe y ²⁵þrýfealðe laðe ²⁶mið ²⁷þrýfealðan for-aðe. And
²⁸gýf þegen hæbbe ²⁹getrýpne man to for-aðe for hine. ꝥ ƿpa
³⁰ŕý. ³¹Liŕ he næbbe ofga pýlf hiŕ ƿræce. y ne beo ³²æŕne
 ænig for-að ³³forðŕen.

DE ADVOCATIS.

xxiii. ¹And ne beo ænig man æniges teameŕ pýrðe ²buton
 he ³getrýpe ⁴geƿitnýŕre ⁵hæbbe ⁶hpanan him come ꝥ him
 man æt-befehð. y ⁷gecýþe ⁸reo geƿitnýŕre ꝥ on ⁹ƿodeŕ
 helde y ¹⁰on hlaforðeŕ. ꝥ heo him on roðre ¹¹geƿitnýŕre ¹²ŕý.
 ƿpa heo ¹³hit eaðum ofeŕeah y eaŕum ¹⁴ofeŕhýrðe ꝥ he hit
 mið rihte begeate.

¹ælce rihte *A.* ælcon geŕihte *B.* ²ŕƿæcman *B.* ³gýf *B. G.*
⁴þincð *G.* ⁵not in *A.* ýð *B.* ⁶~ *B.* ⁷nýllað *B.* ⁸not in *B.*
 Ac *G.* ⁹xii. *G.* ¹⁰nele *B. G.* ¹¹ŕi *A. G.* ¹²getrýpa *A.* getreopa
B. ¹³tiht-býrig *A.* tiht-býri *B.* ¹⁴nape *A.* ~ *B.* ¹⁵naðer *B.*
¹⁶hiŕ hundreðe *B.* ¹⁷anfealðe *B.* ¹⁸ungetrepe *A.* ungetreopan
B. ¹⁹anfealðre *A.* ²⁰þreo *B.* ²¹hundreðe *A.* hundreðan *B.*
²²þnefealðne *B.* ²³~ *B.* ²⁴þape *A.* ²⁵oþpon *G.* ²⁶not in *A.*

^a From a document published by Gale (*Hidæ quorundam Burgo-
 rum*), it appears that there were many burhs having a jurisdiction
 more extensive than any three hundreds, and equal to that of many
 of the shires.

^b The Latin version thus illustrates this form of process: 'Qui
 autem conquirere debet simplicem purgationem, simplici sacramento

‘borh’ hold and lead him to every plea. Many a powerful man will, if he can and may, defend his man in whatever way it seems to him that he may the more easily defend him; whether as a freeman or a ‘theow.’ But we will not allow that injustice.

OF THIEVES.

21. And we will, that every man above twelve years make oath that he will neither be a thief nor cognizant of theft.

22. And let every true man who has not been ‘tiht-bysig’ and has failed neither in oath nor ordeal within his hundred, be entitled to a single ‘lād.’ And for an untrue man, let a single oath be chosen in three hundreds, and a threefold oath as far as it belongs to the ‘burh;’ or let him go to the ordeal, and let a single ‘lād’ be preceded by a single ‘for-ath,’ and a threefold ‘lād’ by a triple ‘for-ath.’ And if a thane have a true man to take the ‘for-ath’ for him, be it so. If he have not, let him begin his suit himself: and let no ‘for-ath’ ever be remitted.

23. And let no man be entitled to any vouching to warranty, unless he have ^ctrue witness whence that came to him which is attached with him; and let the witness declare, by the favour of God and his lord, that he is a true witness for him, as he saw with his eyes and heard with his ears that he rightfully obtained it.

²⁷ not in B. ²⁸ ^ B.G. ²⁹ anfealðne A. ³⁰ ^ B. ³¹ not in A.
³² anfealðne B. ³³ þpifealbe B. ³⁴ þpýfealbe A. ³⁵ zýf B.G. ³⁶ ze-
 treoþne B. ³⁷ rīz G. ³⁸ Lýf B.G. ³⁹ not in B. ⁴⁰ forzýfen B.G.
⁴¹ not in B. ⁴² butan G. ⁴³ pīttenegge A. ⁴⁴ habbe A. ⁴⁵ hpanon
 B. ⁴⁶ z zecýpe þeo zepitnegge hpanon him come þ on B. ⁴⁷ je
 zepitnegge A. ⁴⁸ on hīr B. ⁴⁹ zepitnegge B. ⁵⁰ rī B. ⁵¹ ^ B.
⁵² ofephýþon B.

hoc faciat, hoc est accipiat duos et sit ipse tertius, et sic jurando conquirat. Triplex vero juramentum sic conquiratur: accipiat quinque et ipse sit sextus, et sic jurando acquirat triplex iudicium aut triplex juramentum.

^c The Latin version explains this by saying: ‘Nisi habeat *duos* idoneos testes qui fuerint videntes et audientes unde sibi venit.’

DE REBUS NON EMENDIS SINE TESTIMONIO.

xxiv. And nan man nan ¹þing ne ²býcge ofer feoƿer ³peningas feorð⁴ ne libbende ne licgende ⁵buton ⁶hæbbe ⁷Ʒetneope ⁸Ʒepitneƿre feoƿer manna. ⁹ſý hit binnan býrug ſý hit ¹⁰upp on lande. And ¹¹ſif hit ¹²man þonne ¹³beƿo y he ¹⁴þýllce ¹⁵Ʒepitnýſre ¹⁶næbbe. ne beo þær nan team. ac ¹⁷aſſe man þam aƷen-¹⁸ſſugean hſ aƷen. y þ ¹⁹æfter-ſýld y ²⁰þ ƿite þam þe hit ²¹æge. And ²²ſif he ²³Ʒepitnýſre ²⁴næbbe ſpa ²⁵pe heƿ-beƿoran cƿædon. þonne ²⁶týme hit man ²⁷þſpa. æt þam ²⁸feorðan ²⁹cýſſe ³⁰aſnize hit oþþe aſýſe þam þe hit æge. And uſ ne ³¹þincð ³²nan riht þ æniz man ³³aſnian ³⁴ſceole þær ³⁵Ʒepitnýſre ³⁶bið y man Ʒecnapan ³⁷can þ þær ³⁸bneƷðe bið. ³⁹þ nan man hit nah to ⁴⁰Ʒeahmianne raðor-þinga ær ⁴¹ſýx monðum ⁴²æfter þam⁴³ þe hit ⁴⁴forſtolen ƿær.

DE INFIDIS ACCUSATIS.

xxv. And ſeþe ⁴⁵týht-býrug ⁴⁶ſý y ſolce ⁴⁷unƷetnýſe y ⁴⁸þaſ Ʒemot ⁴⁹forbuƷe þſpa. þonne ⁵⁰ſceapne man of þam ⁵¹feorðan Ʒemote þa þe him to-riðan. y riðde ⁵²þonne Ʒýt boſh ⁵³ſif he ⁵⁴mæge. ⁵⁵ſif he þonne ne ⁵⁶mæge Ʒepýlde man hine ſpa hƿæðer ⁵⁷ſpa man ⁵⁸mæge ſpa ⁵⁹cucne ſpa deaðne y ⁶⁰niman eall þ he ⁶¹æge. And ⁶²ſilbe man þam teonde hſ ceap-⁶³ſýld. y ⁶⁴fo ſe hlaforð eller to healfum to ⁶⁵healfum þ hundreð. And ⁶⁶ſif aðor oþþe mæƷ oþþe ⁶⁷ſſembe ⁶⁸þa ⁶⁹ſaðe forſace ⁷⁰ſýlde þam ⁷¹cýningce ⁷²hund-ƿelftiz ſcilt.

BE ðEOFAN.

xxvi. And Ʒeſece ſe ⁷³æbæra þeoſ þ ⁷⁴he ⁷⁵Ʒeſece. oþþe

¹ þincz A. þingz G. ² býcge G. ³ peniz A. ⁴ peni ƿurð G. ⁵ butan G. ⁶ habbe B. ⁷ Ʒetnýſe G. ⁸ Ʒepitnýſre B. ⁹ ſeo G. ¹⁰ up A. ¹¹ ſif B.G. ¹² mon B. ¹³ Ʒeƿo B. ¹⁴ þillice A. ¹⁵ Ʒepitnýſre A. Ʒepitneſſe G. ¹⁶ habbe A. ¹⁷ ſýſe B. aſýſe G. ¹⁸ -ſſugean G. ¹⁹ þa A. ²⁰ G. ²¹ ſif B.G. ²² Ʒepitneſſe A. Ʒepitneſſe G. ²³ habbe B. ²⁴ cƿædon iſ A. pe ær cƿædon B. ²⁵ týma B. ²⁶ þſpa A. ²⁷ feorðam B. ²⁸ ceſne A. ²⁹ aſnie A. aſnize B. ³⁰ þingð G. ³¹ na G. ³² aſnian B. ³³ ſeule B. ³⁴ Ʒepitneſſe G. ³⁵ býð A.G. ³⁶ B. cann G. ³⁷ bneƷðen A. bſýðe B.

^a One of the Latin versions reads, 'Reddatur calumpnianti quod suum est aut valor et *insuper iterum tantum valens.*' The æfter-gyld was therefore paid in addition to the ceap-gyld, where the thing stolen could not be obtained, and hence the name; 'æfter'

24. And let no one buy any thing above the value of four pence, either living or lying, unless he have the true witness of four men, be it within a 'burh,' be it up in the country. For if it then be attached, and he have no such witness, let there be no vouching to warranty; but let his own be rendered to the proprietor; and the 'æfter-gild,' and the 'wite,' to him who is entitled thereto. And if he have witness, as we have here before ordained, then let it be thrice vouched to warranty: at the fourth time, let him keep possession of it, or render it to him who owns it. And it seems right to us, that no man should hold possession where there is witness, and it can be known that it had been abstracted: [and] that no man ought to claim possession, at the earliest, before six months after it had been stolen.

25. And he who is 'tiht-bysig,' and untrue to the people, and avoids the 'gemōt' thrice; then let there be selected, from the fourth 'gemōt,' those who shall ride to him; and let him still find a 'borh,' if he can: but if he cannot, let them seize him as they can, whether alive or dead, and take all that he owns. And let the accuser be paid his 'ceap-gild,' and let the lord take possession of half, half the hundred. And if one or other, either a kinsman or a stranger, refuse the riding; let him pay to the king one hundred and twenty shillings.

OF THIEVES.

26. And let the notorious thief seek whatever he may seek,

38 ȝ þ *A.* 39 ȝeaznianne *A.* 40 ȝix *A.* 41 *not in B.* 42 ȝolen *A.*
 43 ȝiht-bȝyrg *A.* 44 ȝiȝ *G.* 45 unȝetpeape *B.* 46 ȝær *B.* 47 ȝonbuȝa
G. 48 ȝeopȝe *A.* 49 ȝeopðam *A.* 50 ȝone *A.B.* 51 ȝyȝ *B.* 52 maȝe
A. 53 ȝyȝ *B.* 54 maȝe *A.* 55 *not in A.B.* 56 maȝe *A.* 57 epiene
G. 58 nimen *A.* 59 ah *B.* ahte *G.* 60 ȝylbe *B.* 61 ȝylb *G.*
 62 *B.* 63 halȝan *A.* 64 ȝyȝ *A.B.* 65 ȝpambe man *B.* 66 ȝ *B.*
 67 ȝ *B.G.* 68 ȝylbe *A.* 69 cȝnȝe *B.* cȝnȝe *G.* 70 cxx. *G.* 71 hunð-
 ȝpentȝ ȝcillinge *A.* 71 abeȝe *A.* ebæȝa *B.* ȝ *G.* 72 *not in B.*
 73 ȝece *B.*

being used in the sense of again or once more. This shows it to have been used synonymously with the much disputed 'wider-widrigild,' and with which, etymologically speaking, it is identical.

reþe ¹on hlaforð-ƿearpe ƿemet ²ŕý. ꝥ ³hi næfpe feorh ⁴ne
⁵ƿerecean. ⁊ reþe ofer þiŕ ⁶ŕtalige. ƿerece' ꝥ he ⁷ƿerece. ꝥ he
 næfpe ꝥ feorh'' ne ⁸ƿerece æt ⁹openpe þýŕðe.

DE CALUMNIATORIBUS.

xxvii. And reþe on ƿemote mið ƿiðer-tihtlan hine ŕýlpe
 ofþe hiŕ ¹⁰man ¹¹peŕige. ¹²hæbbe ꝥ ¹³eall forƿrecen. ⁊ ¹⁴ƿeand-
 ƿýrðe þam ¹⁵oðrum ŕpa ¹⁶hundpeðe riht ¹⁷þence.

QUOD NEMO PLUS TRIDUO ACCIPIATUR HOSPITIO.

xxviii. And ꝥ nan man ¹⁸nænne man ¹⁹ne underſo na
²⁰lenȝ þonne þneo niht. buton ²¹hine ƿe beſæŕte þe' he ær
 folȝade. ⁊ nan man hiŕ men ²²ŕnam him ne ²³tæce ær ²⁴hē
²⁴clæne ŕý ²⁵ælcepe ²⁶ŕpæce þe he ær ²⁷beclýped ƿæŕ.

DE LATRONIBUS PER INCURIAM DIMISSIS.

xxix. And ²⁸ŕiŕ ²⁹hpā þeof ƿemete ⁊ hine hiŕ þanceŕ ³⁰apeȝ
³¹læte ³²buton ³³hpeāme. ƿebete he þæŕ þeofeŕ ³⁴pēne ofþe
 hine mið ³⁵fullan aðe ³⁶ƿeladiȝe ꝥ' he him nan ƿacn ³⁷mið
 nýŕte. And ³⁸ŕiŕ ³⁹hpa ⁴⁰hpeam ƿehýpe ⁊ hine forŕitte.
 ȝýlðe þæŕ ⁴¹cýnincȝeŕ ⁴²oferhýrnýŕre. ofþe hine be fullan
 ƿeladiȝe.

DE INFIDIS APUD CENTURIATOS.

xxx. And ȝýŕ hpýlc man ⁴³ŕý ŕpa ⁴⁴unȝetŕýpe þam hun-
 dpeðe ⁊ ŕpa ⁴⁵tih-t-býriȝ. ⁊ hine ⁴⁶þonne ⁴⁷þneo men ⁴⁸æt-
 ȝæðepe teon. þonne ne beo þæri nan oðer buton ꝥ he ȝange
 to ⁴⁹þam ⁵⁰þŕýŕealdan orðale. ⁵¹Œiŕ ƿe hlaforð þonne ƿecȝe
 ꝥ him naðor ne að ne orðal ne buŕŕte ŕýþþan ꝥ ƿemot ƿæŕ
 on ƿin-cearŕe. ⁵²níme ƿe hlaforð him tpeȝen ȝetŕýpe men
 to ⁵³innan þam hundpeðe ⁊ ƿpeuan ꝥ him ⁵⁴næfpe að ne
 buŕŕte ne orðal ne ⁵⁵he ⁵⁶peðŕ-ȝýlð ne ȝulðe. ⁵⁷buton he
⁵⁸þone ȝereſan hæbbe þe þæŕ ⁵⁹ŕýrðe ⁶⁰ŕi þe ꝥ ðon mæȝe.
⁶¹Œiŕ ƿe að þonne forð cume ceoŕe ƿe man þe þæŕ ⁶²betihtled

¹ not in A. ² riȝ G. ³ hiȝ G. ⁴ not in A. ⁵ ƿerecan B. ⁶ ŕtalie-
 ƿece B. ⁷ ƿece B. ⁸ ŕeðe B. ⁹ openepe A. ¹⁰ mann B. ¹¹ peŕie
 B. ¹² habbe A. ¹³ eal A. ¹⁴ ƿeandpeðe G. ¹⁵ oðpan A. ¹⁶ hun-
 dpeð A. ¹⁷ þýnce B. ¹⁸ nenne A. ¹⁹ not in B. ²⁰ lænȝe G.
²¹ he hine beſæŕte reþe A. ²² ŕrom G. ²³ tace A. ²⁴ B. ²⁴ B.
²⁵ ælcepe A. æt ælcepe B. ²⁶ B. ŕpæce G. ²⁷ beclýpað B.
 beclýpob G. ²⁸ ȝýŕ B. ²⁹ B. ³⁰ anpeȝ A. ³¹ B. ³² butan G.

or he that is discovered in treason against his lord, so that they never seek life; and he who after this steals, let him seek what he may, so that he never seek life in [case of] open theft.

27. And let him who in the 'gemōt' shall defend himself or his man by 'wither-tihle' have wholly sued in vain; and answer to the other as shall seem right to the hundred.

28. And that no one receive any man longer than three nights, unless he shall recommend him whom he before followed: and let no one dismiss his man before he be clear of every suit to which he had been previously cited.

29. And if any one find a thief, and voluntarily let him escape, without hue and cry; let him make 'bōt' with the thief's 'wēr,' or clear himself with a full oath, that he knew of no guile in him. And if any one hear the hue and cry, and disregard it, let him pay the king's 'ofer-hyrnes,' or fully clear himself.

30. And if any man be so untrue to the hundred, and so 'tith-bysig,' and three men together then accuse him; let there be no other (course) but that he go to the threefold ordeal. But if the lord say that neither oath nor ordeal had failed him since the 'gemōt' was at Winchester; let the lord take to him two true men within the hundred, and swear that never oath or ordeal had failed him, nor had he paid 'theof-gyld;' unless he have the reeve who is competent to do that. If then the oath succeed, let the man who is accused choose whichever he will; either a single ordeal, or a pound-worth oath, within the

³³ peāme *B.* ³⁴ ^ *B.* ³⁵ fullum *A.* ³⁶ ze þ *A.* ³⁷ mīde *A.* ³⁸ zýf *G.* ³⁹ he *A.* ⁴⁰ peam *B.* ⁴¹ cýnzer *B.* ⁴² cýnzer *G.* ⁴³ ofephýn-
⁴⁴ nerre *G.* ⁴⁵ rī *G.* ⁴⁶ untýpe *G.* ⁴⁷ týt-býrýz *A.* ⁴⁸ not in *B.*
⁴⁹ þpý *D.* ⁵⁰ æt-gebepe *A.* ⁵¹ þan *A.* ⁵² þpýfealban *A.* ⁵³ Lýf *B.*
⁵⁴ B.G. ⁵⁵ ^ *B.* ⁵⁶ innon *G.* ⁵⁷ ^ *B.* ⁵⁸ not in *B.* ⁵⁹ ^ *B.*
⁶⁰ butan *G.* ⁶¹ þonne *A.B.* ⁶² þurðe *B.* ⁶³ rýz *G.* ⁶⁴ Lýf *B.G.*
⁶⁵ bectýrclab *A.* ⁶⁶ bectýrclab *B.*

¹ry̅ rpa ²hpæðer rpa he' ³pýlle rpa anfeald onðal rpa punðer
⁴peorðne að innan þam ⁵þrum ⁶hundreðan ofeſ ⁷.xxx. pe-
ninga. And zif ⁸hi ⁹þone að rýllan ne ¹⁰ðurrien zange he
to þam ¹¹þryfealban onðale. y ¹²ofzā man þ ¹³þryfealbe onðal
þur. nime rife y beo ¹⁴him rýlfa ¹⁵ryxta. y ¹⁶zif he ¹⁷þonne
¹⁸fúl ¹⁹peorðe. æt þam forman ²⁰cýrre bete þam teonde tpy-
gylbe y þam ²¹hlaforðe hif ²²pēſ ²³þe hif riteſ pýrðe ²⁴ry. y
rette ²⁵zetpyre borzaf þ he ælceſ ²⁶yfeleſ ²⁷eſt ²⁸zerpice.
And æt þam ²⁹oðrum ³⁰cýrre ne ³¹ry þær nan oðer ³²bót
³³zif he ful purðe ³⁴buton þ man ceorſe him þa handa ³⁵of-
oþþe þa ſet. oþþe ægðer. be þam þe reo ³⁶dæð ³⁷ry. And
³⁸zif he þonne ³⁹zic mare ⁴⁰peorc ⁴¹zerophht hæbbe. ⁴²þonne
ðo man ut hif eagan y ceorpan of hif ⁴³nōſe y ⁴⁴eāpan ⁴⁵y
uſeſpan ⁴⁶lppan. ⁴⁷oþþe hine ⁴⁸hættian. ⁴⁹rpa ⁵⁰hpilc þifra
rpa man þonne zepæðe' þa þe þærto ⁵¹ræðan ⁵²rceolan. rpa
man mæg rtypan y eac ⁵³þæſe ⁵⁴ſaple zebeorzan. ⁵⁵Lif
⁵⁶he þonne ⁵⁷ut-hleape y þ onðal ⁵⁸forbuze. ⁵⁹gylbe ſe borh
þam teonde hif ceap. ⁶⁰gylb y þam ⁶¹cýninge hif pef oþþe þam
þe hif ⁶²riteſ ⁶³purðe ri. And zif ⁶⁴man ⁶⁵þone ⁶⁶hlaforð teo
þ he be hif ræðe ⁶⁷ut-hleape y ær ⁶⁸unriht porhte. ⁶⁹nime
him riſ ⁷⁰zetpyre' ⁷¹men ⁷²cō y beo him rýlf ⁷³ryxta y laðize
hine þær. Lif reo ⁷⁴lað forð ⁷⁵cume beo he þær pefſeſ pýrðe.
y zif ⁷⁶heo forð' ne ⁷⁷cume fo ſe ⁷⁸cýning to þam ⁷⁹pēſe
y beo ⁸⁰ſe ⁸¹þeof utlah rið ⁸²eall folc.

BE ÞIRED-MONNUM. — DE HERO PROPRIÆ FAMILIÆ
FIDEJUSSORE.

xxxī. And ⁸³hæbbe ælc' ⁸⁴hlaforð hif ⁸⁵hined-men on hif
⁸⁶aſenum ⁸⁷borze y ⁸⁸zif hine man æniſeſ þingſeſ ⁸⁹teō ⁹⁰and-
rpaſne innan þam ⁹¹hundreðe þær he on ⁹²beclýpod ⁹³beō rpa

¹ ryz G. ² pæðer he A. rpaðer he G. ³ pille G. ⁴ peopne A.
purðne B. ⁵ þrým A. ⁶ hundreðe B. ⁷ þritu pæneza A. ⁸ hif
A. heo G. ⁹ þonne A.B. ¹⁰ ðurpan B. ðurpan G. ¹¹ þryfeaðan
A. þryfealban B. ¹² G. ¹³ þryfealbe A. ¹⁴ he G. ¹⁵ ryxta A.
¹⁶ gylf B. ¹⁷ not in A. ¹⁸ G. ¹⁹ purðe B. ²⁰ cepe A. ²¹ hlaforð
B. ²² B. ²³ þe þær pýrðe ry A. ²⁴ ryz G. ²⁵ zetpeope B.
²⁶ yfeleſ G. ²⁷ not in B. ²⁸ zerpyce A. ²⁹ oðpan B. ³⁰ ceſpe A.
³¹ ri A.G. ³² G. ³³ buton zif B. ³⁴ butan G. ³⁵ not in B.G.
³⁶ dæbe A. ³⁷ ryz G. ³⁸ gylf B. ³⁹ gylt A. ⁴⁰ purc A.G. ⁴¹ zeroph
A. zepeophht B. ⁴² þone A. ⁴³ nape A. nōſu G. ⁴⁴ B. hif
eapan G. ⁴⁵ y þa G. ⁴⁶ lppen A. ⁴⁷ oþþon G. ⁴⁸ hettian A.
⁴⁹ rpylc þifra rpa man rylc oþþe þonne zepæðe B. ⁵⁰ hpylc þifra G.
⁵¹ ræðen A. ⁵² rceal rceopan B. ⁵³ pape A. ⁵⁴ ſaule beorzan B.
⁵⁵ Lyf B. ⁵⁶ reo þeof G. ⁵⁷ ut-leape A. ut-æt-leape B. ⁵⁸ for-

three hundreds, for above xxx. pence. And if they dare not take the oath, let him go to the triple ordeal; and let the triple ordeal be commenced thus: let him take five, and be himself the sixth; and if he then be foul, at the first time, let him make 'bōt' to the accuser twofold; and to the lord who is entitled to his 'wite,' with his 'wēr;' and let him appoint true 'borhs,' that he will hereafter abstain from every evil. And at the second time, let there be no other 'bōt,' if he be foul, than that his hands be cut off, or his feet, or both, according as the deed may be. And if he then have wrought yet greater wrong, then let his eyes be put out, and his nose and his ears, and the upper lip be cut off; or let him be ^a scalped: whatever of these then, those shall counsel whose duty it is to counsel thereupon; so that punishment be inflicted, and also the soul preserved. But if he run away, and avoid the ordeal, let the 'borh' pay to the accuser his 'ceap-gyld,' and to the king his 'wēr;' or to him who is entitled to his 'wite.' And if any one accuse the lord, that he ran away by his counsel, and had previously acted unlawfully; let him take to him five true men, and be himself the sixth, and clear himself thereof. If the purgation succeed, let him be entitled to the 'wēr;' and if it do not succeed, let the king take the 'wēr,' and let the thief be an outlaw to all people.

OF 'HIRED-MEN.'

31. And let every lord have his household in his own 'borh;' and if any one accuse his man of any thing, let him answer within the hundred wherein he is cited, as just law is.

bugan *A.* ⁵⁹ zilbe *G.* ⁶⁰ -zilb *A.* ⁶¹ cýnge *B.* cýnge *G.* ⁶² peper *B.* ⁶³ pýpðe *B.* ⁶⁴ mon *B.* ⁶⁵ þonne *A.* ⁶⁶ laforþ *B.* ⁶⁷ ut-leope *B.* ⁶⁸ unprihter *A.* ⁶⁹ nýme him fife zetripe *A.* ⁷⁰ ze-treope *B.* ⁷¹ not in *G.* ⁷² - *B.* ⁷³ lýxta *G.* ⁷⁴ " *B.* ⁷⁵ cýme *A.* 'not in *B.* ⁷⁶ he *A.* ⁷⁷ cýme *G.* ⁷⁸ cýng *B.* cýnge *G.* ⁷⁹ - *B.* ⁸⁰ reo *A.* ⁸¹ - *B.* ⁸² ealle *A.* ⁸³ habbe ælc *A.* ⁸⁴ laforþ *B.* ⁸⁵ hīrþ-men *A.* ⁸⁶ aþanum *A.* ⁸⁷ þorðhe *B.* ⁸⁸ zýf *B.* ⁸⁹ - *B.* ⁹⁰ anðrpepze *A.* ⁹¹ hunþne *A.* ⁹² beclepaþ *A.* ⁹³ - *B.*

^a The Latin version explains this: 'Aut corium capitis cum capillis quod Angli vocant behættie.' Another translation reads, 'vel decapilletur.' This punishment in Germany was called 'harschar.'

hit ¹riht ²laȝu ³ŕý. And ⁴ȝif he ⁵betihtclob peorðe ȝ he
⁶ut-oðhleape ⁷ȝýlde ȝe hlaforð þær manneŕ ⁸pepe þam ⁹cý-
 ninge. ȝ ȝif ¹⁰man ¹¹þone ¹²hlaforð ¹³teo þ he be hiŕ ¹⁴ŕæde
¹⁵ut-hleope. laðige hine mið ¹⁶ŕif þeȝnum ȝ beo him ȝýlf
¹⁷ŕýxta. ¹⁸ŕif him ȝeo lað ¹⁹beŕŕte ²⁰ȝýlde þam ²¹cýninge
 hiŕ ²²pepe ȝ ²³ŕý ȝe man ²⁴utlah:.

DE SERVO ORDALII QUÆSTIONE EXAMINATO.

xxxii. And ²⁵ȝif ²⁶peorþan æt þam orðale ²⁷ŕul peorðe
²⁸meapcie man hine æt þam ŕorþan ²⁹cýŕpe. ȝ æt þam
³⁰oðŕan ³¹cýŕpe ne ³²ŕý þær nan ³³oðer bot ³⁴buton þ heafod:.

BE UNLETREOPUM MANNUM.—INFIDUS VADEM REGIUM EXIGAT.

xxxiii. ³⁵And ³⁶ȝif ³⁷hpýlc man ³⁸ŕý þe ³⁹eallum folce un-
 ȝetŕýpe ⁴⁰ŕý. ȝape þær ⁴¹cýningeŕ ⁴²ȝeŕeŕa to ȝ ⁴³ȝebŕunge
⁴⁴hine under boŕge. þ ⁴⁵hine man to rihte ⁴⁶læde þam þe
 him ⁴⁷onŕŕrecan. ⁴⁸ŕif he þonne boŕh næbbe ȝlea hine man
 ȝ on ŕulan lece. ȝ ⁴⁹ȝif ⁵⁰hine ⁵⁰hpā ⁵¹ŕonene ŕorŕtande
⁵²beon ⁵³hiȝ beȝen aneŕ rihteŕ ȝŕýðe. And ȝeþe þiŕ ŕorŕitte
 ȝ hit ȝeŕorðian ⁵⁴nýlle ȝpa upe ⁵⁵ealŕa ⁵⁶cŕide ȝ. ȝýlle þam
⁵⁷cýninge ⁵⁸hunð-ŕelpŕtiz ȝciŕk:.

DE MUNICIPIIS PURGANDIS.

xxxiv. And ȝtande ⁵⁹betŕux buŕȝum an ⁶⁰laȝu æt laðunȝe:.

BE FREONDLEASAN.—DE ADVENIS ET PEREGRINIS CUSTODIENDIS.

xxxv. ⁶¹And ⁶²ȝif ȝŕeonðleaŕ man oþþe ȝeorþan cuman ȝpa
⁶³ȝeŕpenced ⁶⁴peorðe þuŕh ⁶⁵ȝŕeonðleaŕte þ he boŕh næbbe
 æt ⁶⁶ŕum-ŕýhtlan. ⁶⁷þonne ⁶⁸ȝebuȝe he ⁶⁹henȝenne ȝ þær
⁷⁰ȝebide oþþæt he ⁷¹ȝā to Godeŕ orðale ȝ ⁷²ȝeŕāŕe þær þ he
⁷³mæȝe. ȝŕitodlice ȝeþe ȝŕeonðleaŕan ȝ ȝeorþan cumanan

¹ not in B. ² laȝa A. ³ ŕeo B. ȝiȝ G. ⁴ ȝýf B.G. ⁵ betihtleð A.
 betýhtclob B. ⁶ ut-hleape A. ut-æt-leape B. ⁷ ȝilbe G. ⁸ pēp B.
⁹ cýnȝe B. cýnȝce G. ¹⁰ hi B. ¹¹ þonne A. ¹² laforð B. ¹³ teon
 B. ¹⁴ pebe A. ¹⁵ ut-hleape A. ut-leope B. ¹⁶ v. G.
¹⁷ ȝixta A. ¹⁸ ŕif B.G. ¹⁹ byŕte B. ²⁰ ȝilbe A. ²¹ cýnȝe B.
 cingce G. ²² pep B. ²³ beo B. ²⁴ utlaȝe A. ²⁵ ȝýf B.G. ²⁶ peor-
 þan A.B. ²⁷ G. ²⁸ ful þuŕ peorðe A. ²⁹ meapcýȝe A. ³⁰ meapcie
 hine þonne B. ³¹ ceŕŕean A. ³² oðŕum A. ³³ ceŕpe A. cýŕpan B.
³⁴ ȝi G. ³⁵ not in B. ³⁶ butan G. ³⁷ not in B. ³⁸ ȝýf B. ³⁹ hpilc

And if he be accused, and he run away, let the lord pay the man's 'wēr' to the king. And if any one accuse the lord, that he ran away by his counsel, let him clear himself with five thanes, and be himself the sixth. If the purgation fail him, let him pay to the king his 'wer,' and let the man be an outlaw.

32. And if a 'theowman' be foul at the ordeal, let him be branded the first time; and at the second time, let there be no other 'bōt' except the head.

OF UNTRUE MEN.

33. And if there be any man who is untrue to all the people, let the king's reeve go, and bring him under 'borh,' that he may be led to justice to those who accuse him. But if he have no 'borh,' let him be slain, and be laid in the 'ful.' And if any one stand up for him, let them both be worthy of one law. And whoever neglects this, and will not further it, as is the decree of us all, let him pay to the king one hundred and twenty shillings.

34. And at a 'ladung,' let one law stand between 'burhs.'

OF FRIENDLESS MEN.

35. And if a friendless man or a comer from afar be so distressed, through want of friends, that he has no 'borh' at the 'frum-tihtle;' let him then submit to prison, and there abide, until he go to God's ordeal, and there let him fare as he may. Verily he who dooms a worse doom to the friend-

A. ³⁸ ꝥ *G.* ³⁹ allum *A.* ⁴⁰ not in *G.* ⁴¹ cýnzer *B.* cýnzer *G.* ⁴² *B.* ⁴³ zebpınze *B.* .zebpınzon *G.* ⁴⁴ hýne *A.* ⁴⁵ *B.* ⁴⁶ labe *A.* ⁴⁷ onꝥpecan *B.* onꝥpæcan *G.* ⁴⁸ Lýꝥ *B.* ⁴⁹ zýꝥ *B.* ⁵⁰ *B.* ⁵¹ ꝥopa *A.* not in *B.* ⁵² beo *A.B.* ⁵³ hı *G.* ⁵⁴ nelle *G.* ⁵⁵ not in *B.* ⁵⁶ cꝥýbe *G.* 'cꝥıðe ýꝥ *A.* ⁵⁷ cýnze *B.* cýnze *G.* ⁵⁸ cxx. *G.* ⁵⁹ becꝥýx *B.* ⁶⁰ laza *B.* ⁶¹ not in *B.* ⁶² zýꝥ *B.* not in *G.* ⁶³ ze-ꝥpencab *B.* ⁶⁴ ꝥuðe *B.* ⁶⁵ ꝥpeonð-læꝥto *B.* ⁶⁶ ꝥꝥumtīhlan *A.* ꝥꝥýmtyhtlan *G.* ⁶⁷ þone *G.* ⁶⁸ zeþuza *A.* ⁶⁹ henezen *A.* henzene *B.* ⁷⁰ abıðe *A.* ⁷¹ *B.G.* ⁷² *B.* ⁷³ mæze *A.*

pýrran ¹ðóm ðemeð þonne hýr ȝeferan he ²ðepeð ³him
rýlfum:.

BE MÆNAN AÐE. — DE PEJERANTIUM PCENA.

xxxvi. ⁴And ⁵ȝif hpa mæne-að on haligðome ⁶ȝpepige y he
⁷oƿerȝtæled ƿeopðe. ⁸þoliȝe ⁹þæra hānda' oþþe healfes ƿepes.
y ¹⁰þ ¹¹rý ȝemæne hlaforðe y ¹²býrceope. And ¹³ne beo he
þanon-foƿð aðes rýrðe. ¹⁴buton he for ¹⁵ƿode þe ¹⁶ðeoppoƿ
ȝebete y him boþh finðe þ he æfre æft rýlces ȝeƿice:.

BE LEASRE LEPTNESSE. — DE FALSI TESTIMONIO
ACCUSATO.

xxxvii. And ¹⁷ȝif hpa on leaƿe ¹⁸ȝepitnesse openlice ȝtande
y he oƿerȝtæled ¹⁹ƿeopðe ne ²⁰ȝtande hýr ²¹ȝepitnesse ²²rýþþan
for ²³aht. ac ²⁴ȝýlðe þam ²⁵cýninge ²⁶oþþe landƿican be ²⁷healf-
ranȝe:.'

PECCATUM TURPIUS EST IN DIEBUS ET LOCIS SACRIS,
ET MAJORES MAGIS SUNT PLECTENDI.

xxxviii. Ný on ænigne tīman unriht ²⁸alýfed. y þeah man
ƿceal ƿneolȝ-tīdan ²⁹y ƿætten-tīdan' y on ^aƿneolȝ-ȝtopan ȝeoƿn-
licot ³⁰beoƿȝan. And ³¹ā ȝpa man ³²bīð ³³mihctiȝna oþþe
maƿan ³⁴hādes ȝpa ³⁵ƿceal ³⁶hē ðeoppoƿ for ƿode y for
³⁷ƿopulðe unriht ȝebetā. And ȝoðcunðe bote ³⁸ƿece ³⁹man
ȝeoƿne y rýmble be' boc-tale.' ⁴⁰y ⁴¹ƿopulðcunðe bote' ƿece
⁴²man be ƿopulð-lage:.

DE MINISTRUM ALTARIS OCCIDENTE.

xxxix. ⁴³Ȥif hpa ƿeofoð-⁴⁴þen aƿýlle rý he ⁴⁵utlah ƿið
ƿoð y ƿið men. ⁴⁶buton he þurh ⁴⁷ƿrec-ƿið þe ðeoppoƿ
ȝebete y eac ƿið þa ⁴⁸mæȝðe. oþþe ⁴⁹ȝeladiȝe hine mið

1 ¹ B. 2 ðepað B. 3 hým A. 4 *not in B.* 5 ȝýf B.G. 6 ȝpepige B.
7 oƿerȝtæled A. 8 ⁸ B. 9 ƿolia B. 9' ƿapa hānda B. 10 *not in A.*
11 ri G. 12 býrceope A. 13 na G. 14 butan G. 15 ƿoð B.
16 ðeoppoƿ A. 17 ȝýf B.G. 18 ȝepitnýsse A. 19 ƿurðe B. 20 *not*
in G. 21 ȝepitnýsse B. 22 rýþþan A. 23 haht A. naht B. 24 ȝilðe
A. 25 cýnȝe B. cýnȝce G. 26' oþþe landƿican þe hýr ƿoðne ah G.

^a The Latin version reads, 'Injustitia est festis diebus et sanctifi-
catis locis propensius interdicta.' But, judging from the ordinary
acceptation of 'ƿneolȝ,' and the analogy of its other compounds, the

less and the comer from afar than to his fellow, injures himself.

OF A FALSE OATH.

36. And if any one swear a false oath on a relic, and he be convicted, let him forfeit his hands, or half his 'wēr;' and let that be common to lord and bishop. And let him not be thenceforth oath-worthy; unless he the more thoroughly before God make 'bōt,' and find him 'borh' that he will ever after abstain from the like.

OF FALSE WITNESS.

37. And if any one stand openly in false witness, and he be convicted; let not his witness afterwards stand for aught, but let him pay to the king, or to the 'landrica,' according to his 'heals-fang.'

38. At no time is injustice allowed; and yet at festival-tides, and fast-tides, and in 'festival-places, one ought most earnestly to take care. And always as a man is mightier or of greater degree, so ought he the more thoroughly to make 'bōt' for injustice, before God and before the world. And let divine 'bōt' be earnestly and constantly sought, according as the books prescribe; and let secular 'bōt' be sought according to secular law.

39. If any one kill a servant of the altar, let him be an outlaw to God and to men, unless he the more thoroughly make 'bōt' through exile, and also to the kindred, or clear

27 halƿ-ranƿe *A.* halƿ-ranƿe *B.* 28 aleƿeð *A.* alýrað *B.* 29 *not in B.*
 30 ƿebýrƿan *B.* 31 *~ G.* 32 býð *A. G.* 33 mihƿa *A.* 34 *~ G.*
 35 ƿcæl *G.* 36 *~ B.* 37 ƿeopulbe *A.* 38 ƿece man ƿýmle ƿeopne be *A.*
 39 mann ƿýmble be boc-tæcinge *G.* 40 ƿ for *A.* 41 ƿopulð-bote *B.*
 42 mann *B.* 43 Anð ƿýf *G.* 44 ƿegen *B.* 45 utlaga *B.* 46 butan *G.*
 47 ƿrec-ƿið *A.* ƿƿæcð-ƿið *G.* 48 mæƿða *B.* 49 laðige *B.*

^aƿep-lade ƿ ¹binnan ²þrutrigum ³nihta aginne ⁴bote. ægðer
ge rið ⁵ƿod ge rið ⁶men. be ⁷eallum þam þe he age:

UT REX SIT ORDINATIS [ET] ALIENIGENIS PATRONUS.

XL. ⁸ƿif man gehaðodne ⁹man oþþe ælþeodigne þurh ¹⁰ænig
¹¹þingc forþæde. æt reo oþþe æt ¹²feore. þonne ƿceal him
¹³cýningc beon for mæg ƿ for mundboran. ¹⁴buton he elles
oðerne ¹⁵hlaforð hæbbe. And ¹⁶bete man þam ¹⁷cýningcge
ƿra hit gebýrge. oþþe he þa ðæde ƿrecc ¹⁸ƿrýðe ðeore.
¹⁹ƿurtenum ²⁰cýningcge gebýrað ²¹ƿrýðe rihte ²²þ he ƿoðer
²³æbýlðe ƿrecc ²⁴ƿrýðe ðeore. be þam þe reo ²⁵ðæð ²⁶ƿý:

BE LEƿAÐEDUM MANNUM. — DE MINISTRO ALTARIS
HOMICIDA, &c.

XLI. ²⁷ƿif ƿeofoð-²⁸þegen man-ƿlaga ²⁹ƿýrðe oþþe ³⁰elles
to ³¹ƿriðe ³²mān-ƿeorc ƿeƿýrce. þonne ³³þolige he ægðer ge
haðer ge ³⁴eðeles ƿ ƿræcnige ƿra riðe ƿra ³⁵papa him ƿerfe
ƿ ³⁶ðæð-bete ƿeorne. And ³⁷ƿif he laðian ƿýlle ³⁸laðige ³⁹hine
mið þrýfealdan. ƿ ⁴⁰buton he ⁴¹binnan ⁴².xxx. nihta⁴³ bote
⁴³aginne rið ƿod ƿ rið men þonne ⁴⁴ƿý he ⁴⁵utlah:

ÐÆT MĀN LEƿAÐODNE MĀN [NE] BENDE NE BEATE. —
DE ORDINATUM VINCIENTE AUT VERBERANTE.

XLII. ⁴⁶ƿif hƿa ⁴⁷gehaðodne man ⁴⁸bende ⁴⁹oþþe beate oþþe
⁵⁰ƿrýðe ⁵¹gebýrmege. bete rið hine ƿra ⁵²ƿra hit riht ƿý-
ƿ ⁵³biſceope ƿeofoð-bote be ⁵⁴haðer mæðe. ƿ ⁵⁵hlaforðe ⁵⁶oþþe
cýningcge be fullan ⁵⁷mund-biſce. oþþe ƿeladiðe ⁵⁸hine mið
⁵⁹fulpe lade:

DE ORDINATO CAPITIS REO.

XLIII. ⁶⁰ƿif ⁶¹gehaðod man hine forþýrce mið ðeað-ƿcýlde.

¹ binna A. ² xxx. B. ³ nihton G. ⁴ þa bote B. ⁵ ƿoðð A.
⁶ menn A.G. ⁷ allum A. ⁸ ƿif B.G. ⁹ not in G. ¹⁰ anig A.
¹¹ þing A. ¹² fore A. ¹³ kingc B. cingc G. ¹⁴ butan G. ¹⁵ not
in B. ¹⁶ beton þam B. ¹⁷ kýningc B. cingc G. ¹⁸ ƿriðe G.
¹⁹ ƿurtenan G. ²⁰ kýningc B. kýningc G. ²¹ ƿriðe A. ²² þe
ƿoðer A. ²³ æbýlðe G. ²⁴ ƿriðe A. ²⁵ ðæta A. ²⁶ B. ²⁷ ƿif B.G.
²⁸ þen G. ²⁹ ƿeoðe G. ³⁰ heller A. ³¹ ƿrýðe G.
³² G. " B. ³³ þolie B. ³⁴ eðles G. ³⁵ ge papa B. ³⁶ ðæt- A.
³⁷ ƿif B.G. ³⁸ laðie B. ³⁹ not in G. ⁴⁰ butan G. ⁴¹ binna B.

himself by a * 'wer-lād;' and within thirty days let him set about the 'bōt,' both to God and to men, on peril of all he possesses.

40. And if any one wrong a man in holy orders, or a foreigner, through any means, as to money or as to life, then shall the king be unto him in the place of a kinsman and of a protector, unless he have another lord besides. And let 'bōt' be made to the king as it may be fitting; or let him avenge the deed very deeply. It belongs very rightly to a Christian king that he avenge God's anger very deeply, according as the deed may be.

OF MEN IN HOLY ORDERS.

41. If a servant of the altar be a homicide, or else work iniquity very enormously; let him then forfeit both degree and country, and go in exile as far as the pope shall prescribe to him, and earnestly do penance. And if he will clear himself, let him clear himself with a three-fold ['lād']; and unless he begin the 'bōt' within xxx. days, to God and to men, let him be an outlaw.

THAT NO ONE BIND OR BEAT A MAN IN HOLY ORDERS.

42. If any one bind or beat or grossly insult a man in holy orders, let him make 'bōt' to him as it may be right, and to the bishop, with an altar-'bōt,' according to the degree of his order; and to the lord or the king, according to the full 'mund-bryce;' or clear himself with a full 'lād.'

43. If a man in holy orders defile himself with a crime

^{42'} þruttigum nihton *A.* ⁴³ anginne *A.* aŷynne *B.* ⁴⁴ ʃi *G.* ⁴⁵ ut-laxa *B.* ⁴⁶ Lȳf *G.* ⁴⁷ haðne *A.* ⁴⁸ binbe *A.* ⁴⁹ oppen *B.* oppon *G.* ⁵⁰ ʃpiðe *A.* ⁵¹ ʒebȳrmæpize *B.* ⁵² not in *B.* ⁵³ þam b. *B.* ⁵⁴ þær habet *B.* ⁵⁵ þam laƿonðe *B.* ^{56'} ʒ þam cȳningce *B.* ⁵⁷ munð-bpice *A.* ⁵⁸ hine ʃylfne *B.* ⁵⁹ ʃulle *A.* ⁶⁰ Lȳf *B. G.* ⁶¹ haðoð *A.*

* A 'lað' equivalent to the wer-gild of the party.

ƷeƷýlde man hune Ʒ healde to ¹bircceoper dome. be ²þam þe
Ʒeo dæd ³Ʒý:.

DE REO CONFESSARIUM PETENTE.

XLIV. ⁴Ʒif deað-Ʒeýlðig man Ʒerif-⁵ƷƷræce ⁶Ʒýrne ne
⁷Ʒýrne him ⁸man æƷƷe. Ʒ ⁹Ʒif him ¹⁰hƷa ¹¹Ʒýrne Ʒebete Ʒ
Ʒið ¹²þone ¹³Ʒýningc mid ¹⁴hund-ƷƷentigum Ʒeif. Ʒ oþþe ƷeladiƷe
¹⁵hine. nime ¹⁶Ʒif Ʒ ¹⁷beo him Ʒýlf ¹⁸Ʒixta:.

BE ÐALI-DÆILES FREOLSE.—DE DIE DOMINICA ET FESTIS OBSERVANDIS.

XLV. ¹⁹Ʒif man Ʒealdan ²⁰mæƷe ne ²¹ðýde man æƷƷe on
Sunnan-²²dæƷeƷ ƷƷeolƷe ænigne ²³ƷopƷýrhne man ²⁴buton he
Ʒleo oþþe Ʒeolhte. ac ²⁵Ʒýlde Ʒ healde Ʒ Ʒe ƷƷeolƷ-dæƷ aƷan
²⁶Ʒý. ²⁷Ʒif ²⁸ƷƷeoman ƷƷeolƷ-²⁹dæƷe Ʒýnce þonne ³⁰Ʒebete
Ʒ mid hƷ healƷ-Ʒange Ʒ hƷuƷi Ʒið ³¹Ʒoð bete hit Ʒeorne
ƷƷa ƷƷa him man tæce. Ðeop-man Ʒif ³²he ³³Ʒýnce ³⁴þoliƷe
hƷ hýde ³⁵oþþon hýð-ƷýldeƷ. be þam ³⁶þe Ʒeo dæd Ʒý.
³⁷Ʒif ³⁸hlaƷorð hƷ þeopan ƷƷeolƷ-³⁹dæƷe nýde to Ʒeorce
⁴⁰þoliƷe þæƷ þeopan Ʒ beo he ⁴¹Ʒýþþan Ʒolc-ƷƷuƷ. Ʒ ⁴²Ʒýlde
lah-Ʒlit Ʒe ⁴³hlaƷorð mid Denum ⁴⁴Ʒite mid EƷglum. ⁴⁵be þam
þe Ʒeo ⁴⁶dæd ⁴⁷Ʒý. oþþe ⁴⁸hine ⁴⁹ƷeladiƷe:.

BE FESTENE.—DE JEJUNIUM VIOLANTE.

XLVII. ⁵⁰Ʒif ƷƷuƷ-man Ʒuht ƷæƷten abƷece ⁵¹Ʒýlde lah-Ʒlit
mid Denum Ʒite mid EƷglum. be þam ⁵²þe Ʒeo dæd Ʒý. ƷƷel
⁵³bið Ʒ Ʒ man ⁵⁴Ʒuht ƷæƷten-tide æƷ mæle ⁵⁵éte. Ʒ Ʒýt ⁵⁶ƷýƷe
Ʒ man mid ƷlæƷc-mete hine Ʒýlfne ⁵⁷aƷýle. ⁵⁸Ʒif hit þeop-
man ⁵⁹Ʒeðð þoliƷe hƷ hýde ⁶⁰oþþe hýð-ƷildeƷ be þam þe Ʒeo
⁶¹dæd Ʒý:.

UT QUADRAGESIMA ET FESTA NON TEMERENTUR.

XLVIII. Ʒif hƷa ⁶²openlice ⁶³lenƷeten-bƷýce ƷeƷýnce. þƷƷh
Ʒeoht-lac. oþþe þƷƷh Ʒif-lac. ⁶⁴oþþe þƷƷh Ʒeaf-lac. Ʒ oþþe þƷƷh

¹ bircceoper *A.* ƷæƷ *B.* ² þam Ʒýo dæbe *A.* ³ Ʒ *G.* ⁴ Ʒýf *B. G.*
⁵ -ƷƷræce *A.* -ƷƷræce *G.* ⁶ Ʒeorne *A.* ⁷ Ʒirne *A.* ⁸ nan man
næƷƷe *B.* ⁹ Ʒýf *B.* ¹⁰ man *B.* ¹¹ Ʒeorne bete *A.* ¹² not in *A.*
¹³ Ʒýningc *B.* eint *G.* ¹⁴ cxx. *G.* ¹⁵ hund-ƷƷentig Ʒeillinga *B.* ¹⁶ not
in *G.* ¹⁷ Ʒif men *B.* v. *G.* ¹⁸ beo Ʒýlf *A. G.* ¹⁹ Ʒýxta *G.* ²⁰ Ʒýf
B. G. ²¹ mæƷe *A.* ²² -dæƷeƷ *A.* ²³ ƷopƷýrhne *B.* ²⁴ butan
G. ²⁵ Ʒýlde man hune *B.* ²⁶ Ʒ *A.* ²⁷ Ʒýf *B. G.* ²⁸ ƷifƷman *B.*
²⁹ -dæƷe *A.* ³⁰ Ʒebete he *B.* ³¹ Ʒoðð *A.* ³² not in *G.* ³³ Ʒeorce

worthy of death, let him be seized, and held to the bishop's doom, according as the deed may be.

44. If a man who has committed a crime worthy of death desire confession, let it never be denied him: and if any one deny it him, let him make 'bōt' for that to the king with a hundred and twenty shillings, or clear himself; let him take five, and be the sixth himself.

OF THE HOLY DAY FESTIVAL.

45. If it can be helped, no condemned man should ever be put to death on a Sunday festival, unless he flee or fight: but let him be secured, and held till the festival-day be past. If a freeman work on a festival-day, then let him make 'bōt' with his 'heals-fang,' and, above all, earnestly make 'bōt' to God, so as he may be instructed. If a 'theowman' work, let him pay with his hide, or 'hide-gild,' according as the deed may be. If a lord compel his 'theow' to work upon a festival-day, let him forfeit the 'theow,' and be he afterwards folk-free; and let the lord pay 'lah-slit' among the Danes, and 'wite' among the English, as the deed may be; or clear himself.

OF FASTING.

47. If a freeman break a lawful fast, let him pay 'lah-slit' among the Danes, and 'wite' among the English, as the deed may be. It is sinful, that any one, at a lawful fast-tide, eat before the time, and yet worse that any one defile himself with flesh-meat. If a 'theowman' do so, let him pay with his hide, or 'hide-gild,' as the deed may be.

48. If any one openly commit lent-breach, through fighting, or through fornication, or through robbery, or through any

A. ³⁴ polie *B.* ³⁵ oppe *A.* ³⁶ not in *A.G.* ³⁷ Lȳf *B.G.* ³⁸ laforb
B. ³⁹ -ðaze *A.* ⁴⁰ polie *B.* ⁴¹ rīppan *B.* ⁴² gylbe *A.* ⁴³ laforb *B.*
⁴⁴ ȝ pite *B.* ⁴⁵ bi *B.* ⁴⁶ bæbe *A.* ⁴⁷ rīg *G.* ⁴⁸ not in *A.* ⁴⁹ ȝe-
 laðie *B.* ⁵⁰ Lȳf fīman *B.* ⁵¹ gylbe *B.* ⁵² not in *A.* ⁵³ bið
 hit *B.* bið *B.G.* ⁵⁴ not in *A.B.* ⁵⁵ ~ *B.* ⁵⁶ hit bið pȳpre *B.*
⁵⁷ ȝerȳle *B.* ⁵⁸ Lȳf *B.* ⁵⁹ ~ *B.G.* ⁶⁰ not in *A.* ⁶¹ bæbe *A.*
⁶² openblīce *B.* ⁶³ lencȝen- *B.* ⁶⁴ not in *G.*

æmige healice ¹mīrðæda. rý þ ²trý-bete. ³rpa on heah fpeolre. be þam þe reo ⁴dæð ⁵rý. y ⁶gíf man ætface. laðige ⁷hine mīð þrýfealdre laðe:.

GIF PPA FORÞYRNE LODLUNDE LERIDTA. — DE
ECCLESIAE DEBITA VI DETINENTE.

XLIX. Gif hpa mīð rige godcundra ⁸gepūhta forþýrne ⁹gýlde lah-rlit mīð Denum ¹⁰full-rite mīð Englum oþþe geladige hine. nime ¹¹.XI. ¹²y beo ¹³him ¹⁴rýlf tpełfta. ¹⁵Gif he man ¹⁶gepundige gebete þ y ¹⁷gýlde ¹⁸full-rite þam hlaforde y ¹⁹æt hýrceope þa ²⁰handa ²¹alýge ²²oþþe hýg alæte. ²³Gif he ²⁴man ařýlle beo he ²⁵utlah y hý ²⁶hente mīð hearume ælc ²⁷þæra þ rihht ²⁸pýlle. ²⁹Gif he gepýnce þ man hine ařýlle þurh þ þe he ongean rihht ³⁰geanbýrde. gíf man þ ³¹geroðige licge ³²ægilde:.

DE SACRUM ORDINEM VIOLANTE.

L. Gif hpa ^ahad-brýce ³³gepýnce gebete þ ³⁴be haðer mæðe. rpa be pepe rpa be ³⁵říte rpa be lah-rlite rpa be ealre ape:.

BE ÆP-BRYCE. — DE ADULTERIO.

LI. Gif hpa æp-brýce ³⁶gepýnce gebete þ be þam þe reo ³⁷dæð rý. Yfel æp-brýce ³⁸bīð þ ³⁹æp-færte ⁴⁰man mīð ⁴¹emtuge forlicge y ⁴²mýcele pýrre ⁴³rīð oðner æpe oþþe rīð ⁴⁴gehadode:.

BE SIB-LELERE. — DE INCESTUOSIS.

LII. ⁴⁵Gif hpa rīb-leger ⁴⁶gepýnce gebete þ be rībbe mæðe. rpa be pepe rpa be rite rpa be ⁴⁷ealre æhte. Ne ⁴⁸bīð na gelic þ man ⁴⁹rīð rpurtor ⁵⁰gehæame ⁵¹y hit pære ⁵²feor ⁵³rīb:.

¹ mīrðæde *A.B.* ² trī-bote *B.* ³ rpa eac *B.* ⁴ dæðe *A.* ⁵ rī *G.*
⁶ gýf *B.* ⁷ not in *A.G.* ⁸ rihhta *B.* ⁹ gýlde *A.* ¹⁰ fulrite *B.*
¹¹ enblīan *A.* ¹² not in *A.* ¹³ not in *A.G.* ¹⁴ geolf *B.* ¹⁵ Gýf *B.*
¹⁶ pundige *B.* ¹⁷ gýlde *A.* ¹⁸ fulrite *G.* ¹⁹ æt þam *B.* ²⁰ hande *A.*
²¹ alýra *A.* ²² oþþon hýg forlete *G.* ²³ Gýf *B.* ²⁴ mann *G.*
²⁵ utlage *B.* ²⁶ hænte *B.* ²⁷ þara *B.* ²⁸ rille *A.* ²⁹ Gýf *B.G.*
³⁰ geonb-býrde *G.* ³¹ geroðian mæge *B.* ³² ægilde *A.* ægýlde *B.*
³³ gepýnce *A.* ³⁴ be þær *B.* ³⁵ *A.* ³⁶ gepýnce *A.* ³⁷ dæðe rī *A.*
³⁸ býð *G.* ³⁹ eap-færte *B.* eap-færte *G.* ⁴⁰ mann *A.* men *B.* ⁴¹ æm-

heinous misdeeds; let the 'bōt' be twofold, as on a high festival, as the deed may be; and if any one deny it, let him clear himself with a threefold 'lād.'

IF ANY ONE REFUSE DIVINE DUES.

49. If any one with violence refuse divine dues, let him pay 'lah-slit' among the Danes, and full 'wite' among the English, or let him clear himself: let him take XI., and be himself the twelfth. If he wound any one, let him make 'bōt' for it, and pay full 'wite' to the lord, and redeem his hand of the bishop, or lose it. If he kill any one, let him be an outlaw, and let every of those pursue him with hue and cry who desire right. If he act so that he be killed through striving against right, if that can be proved, let him lie uncompensated.

50. If any one commit ^a 'had-bryce,' let him make 'bōt' according to the degree of the order, as well with 'wēr,' as with 'wite,' and with 'lah-slit,' and with all his possession.

OF ADULTERY.

51. If any one commit adultery, let him make 'bōt' for it as the deed may be. It is a wicked adultery when a married man lies with a single woman, and much worse, with another's wife, or with one in holy orders.

OF INCEST.

52. If any one commit incest, let him make 'bōt' for it according to the degree of kin; as well with 'wēr,' as with 'wite,' and with all his possessions. It is by no means alike whether a man lie with a sister, or if it were a distant relative.

τῖζε *G.* ⁴² mīcele *A.* ⁴³ pýð *A.* ⁴⁴ gehabeð *A.* ⁴⁵ Lȳf *B.* ⁴⁶ ge-
 pīrce *A.* ⁴⁷ ealpa ehte *B.* ⁴⁸ býð *B.G.* ⁴⁹ not in *A.* ⁵⁰ gehame
A. ⁵¹ ȝ þer þe hit bið feop ȝibbe. *B.* ⁵² feop *G.* ⁵³ ȝib *A.*

^a The Latin version defines this offence: 'Scilicet, aut monachum, aut presbiterum, aut aliquem ordinatum verberaverit, aut aliquid ejusmodi fecerit.'

[BE] PYDEPAN (J) MÆDEN.—DE VIDUAM VIOLANTE.

LIII. Líf hpa ¹pyðepan nýð-næme gebete þ ²be pere. ³Líf hpa mæden nýð-næme gebete þ ⁴be pere:.

ÐÆT NĀN ÞIF ÐEO NE FORLILLE.—DE UXORIS
ADULTERÆ PŒNA GRAVI.

LIV. ⁵Líf be ⁶cpicum ceorle þif ⁷hiz be oðrum pere ⁸forlicge y hit open ⁹peorðe. ¹⁰gepeorðe heo to ¹¹porulð-¹²rcame ¹³ryðþan hine rýlfne y hæbbe re riht per eall þ heo ¹⁴ahte. y ¹⁵heo þonne þolige ¹⁶nape y eapena. y ¹⁷zif hit ¹⁸tihcle ¹⁹ri' y lað ²⁰forberige. ²¹biŕceop þonne pealðe y riðlice ðeme:.

DE UXORATO FORNICANTE AUT CONCUBINAM
HABENTE.

LV. ²²Líf þif-ŕært per hine forlicge be hif azenre rýlne ²³þolige þære y bete for hine rýlfne rið ²⁴God y rið men. y reŕe ²⁵hæbbe riht þif y eac ²⁶ciŕe ne ðo him nan ppeort nan ²⁷þapa geŕuhta' þe man cŕurtenum ²⁸men ðon ²⁹ŕceal. ³⁰ær he geŕrice y rpa ðeope gebete ³¹rpa biŕceop him' tæce y æŕne ³²ŕrýlceŕ geŕrice:.

UT ALIENIGENÆ LIBIDINOSI EJICIENTUR.

LVI. Ælþeodige ³³men. zif hiz heopa hæmed rihtan ³⁴nellan. ³⁵of lanðe mid heopa æhtum y rýnnan geŕitan:.'

UT HOMICIDA IN PURGATIONE CADENS EPISCOPO
TRADATUR.

LVII. ³⁶Líf ³⁷open moŕð peorðe þ man ³⁸ŕý ³⁹amýrðneð ⁴⁰aŕife man maŕum ⁴¹þone banan. y zif hit tihcle ⁴²ri' y æt ⁴³laðe miŕtibe ðeme re biŕceop:.

¹ yubupan B. ² be hif B. ³ Líf B. ⁴ be hif B. ⁵ Líf B.
⁶ cpicum A. ⁷ hi G. ⁸ forlicge A. ⁹ purðe B. ¹⁰ geŕýrðe B.
¹¹ perulð- A. ¹² -rcame A. ¹³ ryðþan A. ¹⁴ aze B. ¹⁵ heo þonne
polie B. ¹⁶ napa G. ' ægzðer ze noŕu ze þa eapan B. ¹⁷ zýf B.
¹⁸ tihcle beo B. ¹⁹ rýz G. ²⁰ forberige B. ²¹ þonne pealðe re
biŕceop B. ²² Líf B. ²³ polie B. ²⁴ Godd A.B. ²⁵ habbe B.
²⁶ ceapeŕe A. ceŕeŕe B. ²⁷ þæpa G. ' þæpe rihta B. ²⁸ menn A.
²⁹ ŕceall A. ³⁰ ær þam G. ³¹ rpa him re biŕceop B. ³² rŕilceŕ B.
³³ menn A. ³⁴ nýllan A. nellað B. ³⁵ ðriue hi man of lanðe mid

OF WIDOWS AND MAIDS.

53. If any one ravish a widow, let him make 'bōt' for it with his 'wēr.' If any one ravish a maid, let him make 'bōt' for it with his 'wēr.'

THAT NO WOMAN COMMIT ADULTERY.

54. If, during her husband's life, a woman lie with another man, and it become public, let her afterwards be for a worldly shame as regards herself, and let her lawful husband have all that she possessed; and let her then forfeit both nose and ears: and if it be a prosecution, and the 'lād' fail, let the bishop use his power, and doom severely.

55. If a married man lie with his own maid-servant, let him forfeit her, and make 'bōt' for himself to God and to men: and he who has a lawful wife, and also a concubine, let no priest administer to him any of those rites which ought to be administered to a Christian man; ere he desist, and so deeply make 'bōt' as the bishop may teach him; and let him ever desist from the like.

56. If foreigners will not correct their fornications, let them retire from the land, with their possessions and sins.

57. If there be ^aopen 'morth,' so that a man be murdered, let the slayer be delivered up to the kinsmen; and if there be a prosecution, and he fail at the 'lād,' let the bishop doom.

heopa æhtan 7 on rýnnan 7epitan. *B.* ³⁶ Lýf *B.* ³⁷ 71 *A.B.*
³⁸ amýppeb *B.G.* ³⁹ azýue *B.* azýfe *G.* ⁴⁰ not in *A.G.* ⁴¹ 713 *G.*
⁴² læbe *A.*

^a As 'mopð' implies death by secret means, we must not refer this term to the crime at the time of its perpetration. It rather means 'mopð' which has been subsequently discovered.

BE PLAFORDES SYRÞUNLE.—DE INSIDIIS ADVERSUS
REGEM ET DOMINUM.

LVIII. ¹Liſ hpa ²embe ³cýnincz oþþe ⁴hlaſorþ ⁵ſýrþrie ⁶ſý
he hſ ƿeoƿer ƿcýlþiz 7 ealler þær þe he aze. ⁷buton he 7a
to ⁸þrýfealþan oþðale:.⁹

BE BORB-BRYLE.—DE VIOLATIONE FIDEJUSSIONIS.

LIX. Liſ hpa ¹⁰cýningceſ bopþ abƿece ¹¹7ebete þ mid ¹²v.
¹³pundum. Liſ hpa aƿceþſceopeſ bopþ oþþe ¹⁴aðelingceſ
¹⁵abƿece 7ebete þ mid ¹⁶þrým pundan. ¹⁷Liſ hpa leoð-
þſceopeſ oþþe ealþorþmanner ¹⁸bopþ abƿece 7ebete ¹⁹þ mid
²⁰ƿram pundan:.

BE ÐAM ÐE ON LYNINCELES ÞIRDE FEOPTEÐ.—DE
DIMICATIONE IN REGIA.

LX. ²¹Liſ hpa on ²²cýningceſ ²³hiſeðe 7eƿeohte ²⁴þoli7e
þær ²⁵liſeſ buton ƿe ²⁶cýnincz him 7eaƿuan ƿýlle:.

BE ÐAM ÐE MAN OÐERNE BEƿEPNÆÐ.—DE EO QUI
ALIUM ARMIS INJUSTE SPOLIARIT.

LXI. ²⁷Liſ man æt unla7um man ²⁸be-ƿæpnize ²⁹ƿor7ilþe
hine be hſ healſ-7ange. 7 7iſ hine man 7ebinde ³⁰ƿor7ilþe
be healſan ³¹ƿepe:.

ERID-BRYLE.—DE MILITUM RAPINIS.

LXII. ³²Liſ hpa on ƿýrðe ³³7rið-bſýce ƿulƿýrce þoli7e
³⁴liſeſ oþþe ƿæne-7ilþeſ. ³⁵Liſ he 7am-ƿýrce bete be þam
þe ƿeo ³⁶ðæð 7ý:.

ÐAM-SOEN.—DE EO QUI DOMUM ALTERIUS
INVASERIT.

LXIII. ³⁷Liſ hpa ham-7ocne 7eƿýrce 7ebete þ mid ƿiſ
³⁸pundan þam ³⁹cýningce on Engla-la7e. ⁴⁰7 ⁴¹on Dena-la7e
7ƿa hit ær 7toð. 7 ⁴²7iſ hine man þær ⁴³áſýlle li7e
⁴⁴æ7ýlþe:.

¹ Liſ B. ² emb A. ýmb B. ³ kýnincz B. cýnincz G. ⁴ hlaſorþe A. ýmbe hſ — B. ⁵ ſýrþrie B. ⁶ ƿi G. ⁷ butan G. ⁸ þrýfealþan A. ⁹ 7 þær clæne ƿýrð. B. add. ¹⁰ kýnincceſ B. cýningceſ G. ¹¹ 7e be A. ¹² ƿiſ A. ¹³ pundan G. ¹⁴ æðelingceſ G. ¹⁵ bƿece B. ¹⁶ þrým G. ¹⁷ Liſ B. ¹⁸ þur7 A. ¹⁹ not in B. ²⁰ ii. G. ²¹ Liſ B. ²² kýnincceſ B. cýningceſ G. ²³ hiſeðe ƿeohte A. . ²⁴ þolie B.

OF PLOTTING AGAINST A LORD.

58. If any one plot against the king, or his lord; let him be liable in his life, and in all that he owns, except he go to the threefold ordeal.

OF 'BORH-BRYCE.'

59. If any one break the king's 'borh,' let him make 'bōt' for it with v. pounds. If any one break an archbishop's or an atheling's 'borh,' let him make 'bōt' for it with three pounds. If any one break a suffragan bishop's or an 'ealdorman's' 'borh,' let him make 'bōt' for it with two pounds.

OF HIM WHO FIGHTS IN THE KING'S HOUSEHOLD.

60. If any one fight in the king's household, let him forfeit his life, unless the king will be merciful to him.

IN CASE ANY ONE DISARM ANOTHER.

61. If any one unlawfully disarm a man, let him compensate with his 'heals-fang;' and if he bind him, let him compensate with half his 'wēr.'

'GRITH-BRYCE.'

62. If any one in the 'fyrd' commit 'grith-bryce,' let him forfeit his life, or his 'wer-gild.' If he co-operate, let him make 'bōt' according as the deed may be.

'HAM-SOCEN.'

63. If any one commit 'ham-socen,' let him make 'bōt' for it with five pounds to the king by English law, and by Danish law as it formerly stood; and if he there be killed, let him lie uncompensated.

²⁵ luer *B.* ²⁶ kȳnncz *B.* cingc *G.* ²⁷ Lȳf *B.* ²⁸ bepepnie *B.*
²⁹ forȳlbe *B.* ³⁰ forȳlbe hne *A.* forȳlþor *B.* ³¹ pæpe *A.* ³² Lȳf
³³ Lȳf *B.* ³⁴ ȝmð-bpice *A.* ȝpȳð-bpȳce *G.* ³⁵ luer oppon pepe-ȳlber *B.*
³⁶ ȝæbe *A.* ³⁷ Lȳf *B.* ³⁸ punþan *B.* ³⁹ kȳnncze *B.*
cingce *G.* ⁴⁰ ȝ on Lent æt þam ȝocene .v. þam cingc ȝ þreo þam apce-
birceope *G. add.* ⁴¹ not in *G.* ⁴² ȳf *B.* ⁴³ *B.* ⁴⁴ æȳlbe *G.*

REAF-LAL. — DE RAPINA.

LXIV. ¹Ḓiſ hpa ſear-lac Ʒepýrce ²aƷýre Ʒ ƿorƷýlde Ʒ beo hiſ ƿeſer ſcýlbiƷ ƿið ³þone ⁴cýningc⁵:

ÞUS-BRYCE. — QUÆ SUNT SCELERA INEXPIABILIA.

LXV. Ður-⁶brýce Ʒ bæſnet Ʒ open þýfð Ʒ ⁷æbeſe moſð Ʒ hlaſorð-⁸ſſice æfter ƿorulð-lage iſ botlear:

BURÐ-BOTE. — DE VIIS PUBLICIS REFICIENDIS.

LXVI. ⁹Ḓiſ hpa ¹⁰burh-bote oþþe ¹¹brucƷ-bote oþþe ƿýrð-ſape ƿorſitte Ʒebete mið ¹²hunð-ƿelftægum ſciff. þam ¹³cýningce on ¹⁴Engla-lage. Ʒ on Dena-lage ſpa hit ær ſcodb. oþþe ƷeladiƷe ¹⁵hine. ¹⁶namige man him ¹⁷xiiii. Ʒ ¹⁸beƷýte .xi. ¹⁹To ciſuc-bote ſceal eall ſolc ƿýlſtan mið ƿihte:

BE ƿODES-FLYMAN. — DE EO QUI EXCOMMUNICATUM VEL UTLAGATUM CUSTODIERIT.

LXVII. ¹⁹Ḓiſ hpa ƿodeſ-²⁰ſlýman hæbbe on unſiht ²¹aƷýre hine ²²to ƿihte' Ʒ ²³ƿorƷýlde þam þe hit Ʒebýrige. Ʒ Ʒýlde þam ²⁴cýningce be ²⁵hiſ ²⁶ƿepe-Ʒilðe. ²⁷Ḓiſ ²⁸hſá ²⁹amanſodne oþþe ³⁰utlahne ³¹hæbbe Ʒ healde ƿlihte him ſýlſum Ʒ ealſe hiſ aſe:

DE MISERICORDIA EXHIBENDA.

LXVIII. ³²And ³³Ʒiſ hpa ³⁴ſille Ʒeoſne ſſam unſihtce Ʒecýrſan ³⁵eſc to ƿihte. ³⁶miſtſige ³⁷man ƿor ƿodeſ ege ſpa man ³⁸beſc ³⁹mæge þam ⁴⁰ſſýðe ⁴¹Ʒeoſne:

¹ Ḓýſ *B.* ² aƷiue *B.* aƷýſe *G.* ³ þonne *A.* ⁴ kýningce *B.* cingce *G.* ⁵ oþþe ƿið þone þe hiſ ſocne aƷe *G. add.* ⁶ -bſec *A.* ⁷ abeſe *A.* æbæſe *G.* ⁸ -ſſýce *G.* ⁹ Ḓýſ *B.* ¹⁰ buruh- *B.* ¹¹ brýƷce- *B.* brýcƷ- *G.* ¹² hunð-ƿentægum *B.* ¹³ kýngce *B.* cingce *G.* ¹⁴ Engle- *B.* ¹⁵ not in *G.* ¹⁶ namue *G.* ¹⁷ xiii. Ʒ beƷýte þæſto xi. *B.* ¹⁸ beƷite *A.* ¹⁹ Ḓýſ *B.* ²⁰ -ſlman *A.* ²¹ aƷýſe *B. G.* ²² mið

^a There would ſeem to be a diſtinction between 'open-moſð' and 'æbeſe-moſð,' ſince the one was the ſubject of civil and the other of eccleſiaſtical juſdiction; the one was boteleſſ and not to be com-muted, and the other was to be puniſhed according to the diſcretion of the biſhop.

‘REAF-LAC.’

64. If any one commit ‘reaf-lac,’ let him give it up, and compensate, and be liable in his ‘wēr’ to the king.

HOUSE-BREAKING.

65. House-breaking, and arson, and open theft, and ‘open morth,’ and treason against a lord, are, by the secular law, ‘bōtless.’

‘BURH-BŌT.’

66. If any one neglect ‘burh-bōt,’ or ‘bricg-bōt,’ or ‘fyrd-fare,’ let him make ‘bōt’ with one hundred and twenty shillings to the king by English law, and by Danish law as it formerly stood; or let him clear himself: let xiv. be named to him, and let him choose xi. ^b To church-‘bōt’ all men must lawfully give assistance.

OF A ‘GOD-FLYMA.’

67. If any one unlawfully have a God-‘flyma,’ let him give him up to justice, and compensate to him to whom it is due, and pay to the king according to his ‘wer-gild.’ If any one have and hold an excommunicated person or an outlaw, let him peril himself and all his property.

68. And if any one will earnestly turn from wrong again to right, let him have mercy shown him, or fear of God, as best may be, very earnestly.

pih̄te *B.* ²³ fop̄gylbe *G.* ²⁴ k̄yninc̄ze *B.* c̄n̄gze *G.* ²⁵ not in *A.*
²⁶ pep̄-gylbe *B.* ²⁷ L̄yf̄ *B.* ²⁸ *B.* ²⁹ aman̄f̄mobne *B.* aman̄f̄obne
 man *G.* ³⁰ utlagene *B.* ³¹ habbe *A.* ³² not in *B.* ³³ ḡyf̄ *B.*
³⁴ p̄ylle *G.* ³⁵ not in *B.* ³⁶ mil̄br̄ige *B.* ³⁷ man him *B.* ³⁸ bet̄c̄t *G.*
³⁹ mage *A.* ⁴⁰ f̄p̄iðe *A.* ⁴¹ not in *G.*

^b [In Lambarde this is a new rubric: ‘De fano reficiendo.’ — *T.*]

^c Apparently a fugitive from a monastery, since in Wihtræd’s dooms a ‘Lober-peop’ is clearly a ‘peop’ the property of a monastery.

PII REGIS MISERICORDIA ET JUSTITIA.

LXIX. And ¹utan ðon gpa ur þearf iſ. helpan ²aa þam
 raðoſt þe helper ³betſt ⁴behoſað. ⁵þonne ⁶nime pe þæſ lean
 þær ur leoſaſt bið. Forþam ⁷ā man ſceal þam unſcpanzan
 *men for Godes ⁹lufe ȝ ¹⁰ēge liðelicor ðeman ȝ ¹¹ſcſpan
 þonne þam ſcpanzan. ¹²forþam þe ne mæg ſe unmaȝa þam
 maȝan. pe ſiton full ȝeoſne. ȝelice' bȳrðene ahebban'' ne
 ſe unhala þam halan ȝelice. ȝ ¹³þȳ pe ¹⁴ſcȳlon ¹⁵medmian ȝ
¹⁶ȝeſceadlice toðælan ȳlde ȝ ȝeoȝoðe. ¹⁷pelan ȝ pædle. ſſeot
 ȝ þeoſet. ¹⁸hæle ȝ ¹⁹unhæle. And ²⁰æȝðer man ſceal ȝe on
 ȝoðcundan ſcſpan ȝe on woruld-cundan ²¹ðoman ²²þær ²³þinȝe
²⁴toſceadan. Eac on ²⁵mæniȝſe ðæde þonne man ²⁶bið nȳð-
 pȳrhta. þonne bið ²⁷ſe ȝeþeoſȝer þe bet pȳrðe þe he for
 neode ðȳde ꝥ ꝥ he ðȳde. ȝ ²⁸ȝiſ hpa ²⁹hſæt ungeþealber
 * þam þe he? ȝedeð. ne ³⁰bið ꝥ ³¹eallunȝa na ȝelic * þe hiſ ȝeþealber
³²ȝedeð.

DE VICTU EX REGIS PRÆDIIS.

LXX. Ðiſ iſ þonne ³³ſeo lihtinȝe ³⁴þe ic pȳlle' eallon ſolce
 ȝeþeoſzan þe hiȝ ær ³⁵pȳſon mið-ȝeðnehte ³⁶pæron ealles to
³⁷ſpȳðe. Ðæt iſ þonne ³⁸æroſt. ꝥ ic beþeode eallum minan
 ȝeſeſan ꝥ ³⁹hi on' ⁴⁰minan aȝenan ⁴¹ſihtelice tilian ȝ me mið
 þam ſeoſmian. ȝ ꝥ him ⁴²nan man ne þearf to ſeoſm-ſultume
 nan þinȝe ſȳllan ⁴³butan he ſȳlf ⁴⁴pille. And ⁴⁵ȝiſ ⁴⁶hſā
 æſter ⁴⁷þam ſite ⁴⁸cſaſiȝe ⁴⁹beo he hiſ' ſeſer ſcȳldiȝ ſið
⁵⁰þone ⁵¹cȳninȝe.

BE PER-GEATE. — DE INTESTATO MORTUIS.

LXXI. ⁵²And ȝiſ ⁵³hpa cȳðeleaſ of ⁵⁴pȳſſum liſe ⁵⁵ȝeſiſe.
⁵⁶ſȳ ⁵⁷hiſ þurh hiſ ⁵⁸ȝȳmeleaſte. ⁵⁹ſȳ ⁶⁰hiſ þurh ⁶¹pæſlicne
 ðeað. þonne ne teo ſe ⁶²hlaſorð ⁶³na maſe on hiſ ⁶⁴æhte
 butan hiſ ⁶⁵ſihtan ⁶⁶heſe-ȝeate. Ac beo be hiſ ðihte ſeo

¹ utan *G.* ² æſſe *B.* ³ beſt *A.* not in *B.* ⁴ be oſað *A.* be-
 hoſað *B.* ⁵ not in *B.* ⁶ lēſe *A.* ⁷ ~ *G.* ⁸ menn *A.* ⁹ luſan *B.*
¹⁰ for hiſ ege *B.* ~ *G.* ¹¹ ſcȳſon *A.* ſcſiſon *G.* ¹² forþam ne mæg
 pe ſitan ſul ȝeoſne ſe unmaȝe þam maȝan ȝelice *A.* '' forþam þe pe
 maȝon ſitan ſul ȝeoſne ꝥ ſe unmaȝa ȝ ſe maȝe ne mæg ȝelice
 mȳcele bȳrðene abepan *B.* ¹³ pī *B.* ¹⁴ ſculon *B.* ſceolon *G.*
¹⁵ meðemian *B.* ¹⁶ ȝeſcabelice *A. B.* ¹⁷ pæliȝe ȝ pædle ſſeȝe ȝ
 þeoſa *B.* ¹⁸ hale *B.* ¹⁹ unhale *B.* ²⁰ æðer *B.* ²¹ ðome *B.*
²² þær *A.* ²³ þinȝ *B.* ²⁴ toſcaban *A.* ²⁵ ȝemeaſne *B.* ²⁶ bȳð *A. G.*

69. And let us do as is requisite for us: let us ever help those the speediest who stand most in need of help; then shall we obtain the reward of it, where it will be most agreeable to us. For we ought always, for love and fear of God, to doom and prescribe more lightly to the feeble man than to the strong; because we know full well that the powerless cannot raise a like burthen with the powerful, nor the unhale a like with the hale; and therefore we ought to moderate, and discreetly distinguish between age and youth, wealth and poverty, freedom and slavery, hale and unhale. And both in religious shrifts and secular dooms these things ought to be discriminated. Moreover, in many a deed, when any one is an involuntary agent, then is he the better deserving of protection, because he did what he did from necessity: and if any one do a thing unwillingly, it is not at all like that which he does wilfully.

70. This then is the alleviation which it is my will to secure to all the people of that which they before this were too much oppressed with. That then is first: that I command all my reeves that they justly provide on my own, and maintain me therewith; and that no man need give them any thing as 'feorm-fultum,' unless he himself be willing. And if any one after that demand a 'wite,' let him be liable in his 'wēr' to the king.

OF THE HERIOT.

71. And if any one depart this life intestate, be it through his neglect, be it through sudden death; then let not the lord draw more from his property than his lawful heriot. And, according to his direction, let the property be distributed

27 *re man B.* 28 *zýf A.* 29 *not in A.* 30 *býð B.G.* 31 *eallum A.*
 'eallunza *zēlc þam þe B.* 32 *ðeð B.* 33 *not in A.* 34' *þe pille A.*
 35 *pýrron A.* 36 *pæpan G.* 37 *ppide A.* 38 *æperc G.* 39 *hiz B.* 'not
 in A. 40 *minon B.* 41 *not in A.* me *puhtlice G.* 42 *na G.*
 43 *buton A.* 44 *pýlle B.* 45 *zýf B.* 46' *B.* 47 *not in A.* 48 *crauan*
B. 49' *be hir A.* 50 *þonne A.* 51 *cinzc G.* 52 *not in B.* 53 *mann*
B. 54 *pýrrum A.* 55' *B.G.* 56 *ri G.* 57 *hýc A.* 58 *zýmelyrce B.*
 59 *ri G.* 60 *hýc B.* 61 *feaplicne A.* 62 *laforþ B.* 63 *nan B.*
 64 *æhtca G.* 65 *puhte A.* 66 *hepegeata G.*

æht gerecýft ¹rpýðe rihte riƿe y ²cildan y ³neh-magon-
⁴ælcum be þære mæðe þe him to-gebyrge:

DE HEREOTIS.

LXXII. And beon þa ⁵hepe-geata rpa hit mæðlic ⁶ry. Eorler
 rpa þær-to ⁷gebyrge. þ ⁸ryndon ⁹eahta horj. ¹⁰feoper ¹¹ge-
 rabelode y ¹²feoper ¹³ungerabelode. y ¹⁴feoper helmar y ¹⁴feoper
 býrnan y ¹⁵ehra rpera y ¹⁶eall rpa ¹⁷feala rcýlða y ¹⁸feoper
¹⁹rpurð y tpa hund ²⁰mancur zolber. And ryþþan ²¹cýninge
²²þegener ^aþe him ²³nýhƿte ²⁴ryndon. ²⁵feoper horj. ²⁶tpa
²⁷gerabelode y ²⁸tpa ²⁹ungerabelode. y ³⁰tpa ³¹rpurð y ³²feoper
 rpera y ³³rpa feala' rcýlða y helm * y ³⁴býrnan y ³⁵ƿƿtæg
³⁶mancur zolber. And ³⁷medempa ³⁸þegna. horj y hir ³⁹ge-
 ræðlan y hir ⁴⁰pæpn. oþþe ⁴¹hir ⁴²healƿ-fang on ⁴³ƿerƿ-rexan.
 y on ⁴⁴Ʊýrcan ⁴⁵tpa pund. y on Eapƿ-⁴⁶Englan ⁴⁷tpa pund.
 And ⁴⁸cýninge þegner hepe-geata inne mið Denum þe hir
 rocne ⁴⁹hæbbe ⁵⁰feoper pund. And ⁵¹zif he to þam ⁵²cýninge
⁵³ƿurðor cýððe hæbbe. ⁵⁴tpa horj. an gerabelod y oðer ⁵⁵un-
 gerabelod. y ⁵⁶an ⁵⁷rpurð y ⁵⁸tpa rpera y ⁵⁹tpa rcýlðar y
⁶⁰ƿƿtæg ⁶¹mancur zolber. y ⁶²reþe lærre ⁶³maza ⁶⁴ry' ⁶⁵tpa
 pund:

* l. mið.

CONJUX INCOLAT EANDEM SEDEM QUAM MARITUS.

LXXIII. And þær re ⁶⁶bonda ƿæt ⁶⁷uncƿýð y unbecƿarod
 rihte þ riƿ y þa cild ⁶⁸on þam ýlcan' unberacen. And ⁶⁹zif
 re ⁷⁰bonda ær he deað ƿære ⁷¹beclýpod ƿære. þonne

¹rpýðe *A.* ²cildum *G.* ³neahmazum *B.* nehmazum *G.* ⁴ælcon *B.*
⁵hepegeate *A.* hepiſgeata rpa funbene *B.* ⁶ry *G.* ⁷býrrie *B.*
⁸ryndon *A.* ⁹viii. *G.* ¹⁰iiii. *B.G.* ¹¹gerabolobe *A.* ¹²iiii. *B.G.*
¹³ungerabolebe *B.* unſabelobe *G.* ¹⁴iiii. *B.G.* ¹⁵viii. *B.G.*
¹⁶eal *A.* not in *B.* ¹⁷feala *G.* ¹⁸iiii. *B.G.* ¹⁹rpýrð *B.* ²⁰man-
 cor *A.* mancer *G.* ²¹kýnceſ *B.* cinſcer *G.* ²²þægner hepegeate
B. þegnaſ *G.* ²³þe nihte *A.* nýhƿte *B.* ²⁴ryndon *A.* ryndan *G.*
²⁵iiii. *B.G.* ²⁶ii. *B.G.* ²⁷gerabolobe *A.* ²⁸ii. *G.* ²⁹un-
 gerabolobe *A.* unſabelobe *G.* ³⁰ii. *B.G.* ³¹rpýrð *B.* ³²iiii. *B.G.*
³³eal rpa feola *B.* ³⁴býrnan *A.* ³⁵l. *G.* ³⁶mancor *A.* mancer *G.*

^a This transition from the singular noun to the plural verb is not unusual in A.S. composition. We might avoid the false concord by reading, 'þe him nýhƿte [ry],' but, for the reason already given, it seems unnecessary. The subject appears to be referred to again below — 'zif he to þam cýninge ƿurðor cýððe hæbbe;' and which can hardly imply any relation arising from the ties of blood, but from

very justly to the wife, and children, and relations; to every one, according to the degree that belongs to him.

72. And let the heriots be as it is fitting to the degree. An 'eorl's' such as thereto belongs, that is: eight horses, four saddled and four unsaddled, and four helmets, and four coats of mail, and eight spears, and as many shields, and four swords, and two hundred mancuses of gold. And after that, a king's thane's, ^a of those who are nearest to him: four horses, two saddled and two unsaddled, and two swords, and four spears, and as many shields, and a helmet, and a coat of mail, and fifty mancuses of gold. And of the medial thanes: a horse and his trappings, and his arms; or his 'heals-fang' in Wessex; and in Mercia, two pounds; and in East-Anglia, two pounds. And the heriot of a king's thane among the Danes, who has his 'socen,' four pounds. And if he have further relation to the king: two horses, one saddled and the other unsaddled, and one sword, and two spears, and two shields, and fifty mancuses of gold: and he who is of less means, two pounds.

73. And where the husband dwelt without claim or contest, let the wife and the children dwell in the same, unassailed by litigation. And if the husband, before he was dead, had been

³⁷ mebmepa A. ³⁸ þezen B. ³⁹ zepeban A. ⁴⁰ zepæba G. ⁴¹ not in A. ⁴² halr-fange A. ⁴³ þeſt-ſæxan B. ⁴⁴ Mýpcen B. ⁴⁵ II. B.G. ⁴⁶ -Enzle B. ⁴⁷ II. B. ⁴⁸ kýnceſ B. ⁴⁹ habbe A. ⁵⁰ III. B.G. ⁵¹ zýf B. ⁵² kýnce G. ⁵³ ƿopðop A. ⁵⁴ II. B.G. ⁵⁵ unzefabolob B. ⁵⁶ not in G. ⁵⁷ ƿpýpð B. ⁵⁸ II. B.G. ⁵⁹ tpezen B. ⁶⁰ L. G. ⁶¹ mancoſ A. ⁶² ƿeþe læſſe hæbbe ƿ læſſe maza ƿý B. ⁶³ mæge A. ⁶⁴ ƿý G. ⁶⁵ II. B.G. ⁶⁶ bunða B. ⁶⁷ uncƿýðð G. ⁶⁸ not in B. ⁶⁹ zýf B. ⁷⁰ bunða B. ⁷¹ be-clýpob G.

the official relation in which the ministeriales of the crown stood to the king, and which, as it carried with it a higher wer-gild, seems also to have involved the payment of a larger heriot. Perhaps both passages may be illustrated by a term occurring in the History of Ramsey: 'Qui festinus iter arripiens Londoniam venit et a *regiis collatoribus* officiose exceptus,' &c. c. 86.

¹andþýrðan þa ²ýrfe-numan rpa he rýlf rceolde þeah he hý
³hæfde:

BE PUDEPAN. ÐÆT ÐEO SITTE ·XII· MONÐAS LEORL[L]ÆS.
— VIDUÆ NON NUBANT NISI POST BIS SENOS
MENSES.

LXXIV. And ritte ælc pudupe perleap tpelef-monað. ⁴ceore
⁵rýþþan þ ⁶heo rýlf ⁷pille. y ⁸gýf ⁹heo binnan gearpef fæce
per geceore þonne ¹⁰þolige ¹¹heo ¹²þæpe morþen. ¹³gýfe y
¹⁴ealpa þæpa æhta' þe heo þurh ¹⁵æppan ¹⁶per ¹⁷hæfde. y
ron þa ¹⁸nehrtan ¹⁹rrýnð to þam ²⁰lande y to ²¹þam ²²æhtan
þe heo ²³æp hæfde. And ²⁴rý he hý perpef rýlðig rþð
²⁵þone ²⁶cýning ofþe rþð ²⁷þone þe he ²⁸hrt ²⁹geunnen hæbbe.
And þeah heo ³⁰nýð-numen ³¹peorðe ³²þolige ³³þæpa æhta.
³⁴buton heo rnam ³⁵þam ceorle ³⁶pille eft ham ongear y
næppe eft heo hý ne ³⁷peorðe. And ³⁸ne hadige man ³⁹æppe
⁴⁰pudepan to hræðlice. And ⁴¹gelærte ælc ⁴²pudupe þa ⁴³hepe-
geata binnan ⁴⁴telef-monðum. ⁴⁵buton ⁴⁶hipe æp to ⁴⁷onhæðige
⁴⁸riteleap:

NEMO NUBAT FÆMINAM INVITAM.

LXXV. And ⁴⁹ne ⁵⁰nýðe man ⁵¹naðep ne rýf ne mæðen to
þam þe ⁵²hýpe rýlfpe ⁵³mylicige. ne rþð rceatte ^ane rýlle.
⁵⁴buton he hræt agenef þancef gýfan ⁵⁵pille:

¹ andþýrðan *A.* andþýrðe *B.* ² erfenumen *A.* ýrfe-numen *B.* ³ hæfde
A. ⁴ y ceore *B.* ⁵ rýþþan *A.* ⁶ hý rýlf *A.* ⁷ rýlle *G.* ⁸ gýf *B.*
⁹ heo þonne binnan þær gearpef *B.* ¹⁰ þolie *B.* ¹¹ hýo *A.* ¹² þape
morþan-gýfe *A.* ¹³ -geaue *B.* ¹⁴ þape ehca *A.* ealpe þære æhtan
B. ¹⁵ erpan *A.* ¹⁶ pepe *B.* ¹⁷ hearþe *B.* ¹⁸ nihrtan *A.* nýxtan *B.*
¹⁹ rrrýnð *A.* ²⁰ lanðan *G.* ²¹ þan *G.* ²² æhte *G.* ²³ æp hæfde *A.*
²⁴ rþ *B. G.* ²⁵ þonne *A.* ²⁶ kýning *B.* cingc *G.* ²⁷ þonne *A.* ²⁸ hý

^a It is usual to consider this as a prohibition of the sale of the female ward, and as an evidence that the muntagium of the Norman times was an innovation upon the ancient law. A change of this important nature was not likely to be announced in a short clause such as the present text; and the sale of the female ward was at the time permitted by every code of Europe. The better opinion, therefore, seems to be, that the purport of this law was to prevent the guardian from forcing his ward into an unwilling union, and demanding more than the mund established by law, unless indeed the future husband might choose to give more. Similar forms of expression are found in the statutes of Friburg and Soest: 'Judex

cited; then let the heirs answer, as himself should have done if he had lived.

OF A WIDOW: THAT SHE CONTINUE XII. MONTHS
HUSBANDLESS.

74. And let every widow continue husbandless a twelve-month: let her then choose what she herself will; and if she, within the space of a year, choose a husband, then let her forfeit her 'morgen-gyfu,' and all the possessions which she had through the first husband; and let the nearest kinsmen take the land and the possessions that she had before. And let him [the husband] be liable in his 'wēr' to the king, or to him to whom he may have granted it. And though she be taken forcibly, let her forfeit the possessions, unless she be willing to go home again from the man, and never again be his. And let not a widow take the veil too precipitately. And let every widow pay the heriots, 'wite-less,' within twelve months; except it be convenient to her earlier.

75. And let no one compel either woman or maiden to him whom she herself mislikes, nor for money 'sell her; unless he is willing to give any thing voluntarily.

roene G. ²⁹ zeunnan A. ³⁰ neaðnuman B. ³¹ pýpðe B. ³² þolie B.
³³ papa ehtra A. ³⁴ butan G. ³⁵ not in A. ³⁶ pýlle G. ³⁷ púpðe A.
pýpðe B. ³⁸ na G. ³⁹ næpne B. ⁴⁰ puðupan A. ⁴¹ zelapra A.
⁴² puðupa A. ⁴³ hepegeatu G. ⁴⁴ XII. G. ⁴⁵ butan G. ⁴⁶ hýpe
B.G. ⁴⁷ anhaðye A. onhaðie B. ⁴⁸ G. ⁴⁹ na G. ⁵⁰ nime A.
⁵¹ næpne naðop B. ⁵² hýpe A.G. ⁵³ mýplice A.G. ⁵⁴ butan G.
⁵⁵ pýlle A.

nullus a nobis constitutus præsumat steuram, taleamque seu precarium in predictos cives facere Nisi quod et quantum dare voluerint de spontanea voluntate.' *Inst. Friburg. Pr.* 'Dieseluen twene vorlehnden Vronen süllen beiden binnen der Stadt all unsen Borgern, so wen sy wollet to Gerichte laden, sunder ene iet to geven, et ne sy dat en we wat geve mit guden Willen: The same two enfeoffed frones shall both within the city cite all our burghers before the court, whenever they will, without giving aught to any one, unless we give something with good will.' *Jus Susat.* art. xii. ap. Westphalen Mon. ined. tom. iv. col. 3075.

BE ÐAM ÐÆT MǢN ÐIS SPERE TO OÐRES MǢNNES DURE
SETTE.—DE EO QUI RELIQUERIT TELUM PRO
FORIBUS.

LXXVI. ¹And ic læte riht þeah ²hƿā³ hƿ ⁴ægen ƿepe ƿette
to oðres mannes hures ⁵ðura ƿ he þider-⁶inn ærende ⁷hæbbe.
⁸oþþon ⁹ƿif ¹⁰man ¹¹oðer ¹²ƿæpn ƿeðneohllice ¹³lece þær ¹⁴hi
¹⁵ƿille ¹⁶mihton beon ¹⁷ƿif ¹⁸hi moƿton. ƿ ¹⁹hƿile man þonne
þ ²⁰ƿæpn ²¹ƿelæcce ²²ƿ ²³hƿylcne hearn þær-²⁴mid ƿeƿƿnce.
þonne ²⁵ƿif þ riht þ ƿeþe ²⁶þone hearn ƿeƿorhte þ ƿe ²⁷þone
hearn ²⁸eac geþete. And ƿeþe þ ²⁹ƿæpn ³⁰æge³¹ hine ƿeladiȝe.
³²ƿif he ðurpe. þ hit næfne næf naðer ne hƿ ³³ƿeƿile. ne
hƿ ƿeƿealb. ne hƿ næb. ne hƿ ƿeƿitner. þonne ³⁴ƿif þ ƿoder
riht þ ³⁵he beo clæne. ƿ ƿite ƿe ³⁶oðer þe þ ƿeorc ³⁷ƿeƿorhte
þ he hit bete ƿƿa ƿƿa laȝu tæce.

BE FORSTOLENE ƿEPTA.—CONJUX, QUÆ FURATA
RECIPIT, FURTI NON TENETUR.

LXXVII. ¹And ƿif hƿile man ƿorrtolen² þingc ham to hƿ
³cotan þringe ƿ he ⁴anarod ⁵ƿurðe. riht ƿif þ he ⁶hæbbe þ
he æfter-eode. And ⁷buton hit under ⁸þær ƿif ƿif ⁹cæg-
locan geþroht ƿæpe ¹⁰ƿif heo clæne. ac ¹¹þær ¹²cægean heo
ƿeal ƿearðian. þ ƿif ¹³hine ¹⁴þorð-ern ƿ ¹⁵hine cȳrte ƿ ¹⁶hine
¹⁷tege. ¹⁸ƿif hit under ¹⁹þȳȳra ænȳum geþroht bȳð
²⁰þonne ²¹bið ²²heo ƿeȳlbȳȝ. And ne mæg nan ƿif ²³hine
²⁴þondan ƿorþeodan þ he ne mote into hƿ ²⁵cotan ²⁶geologian
þ þ he ²⁷ƿille. Ðit ƿær ær ²⁸þȳȳron þ þ cild þe læȝ on

¹And ic ƿille þeah þe hƿa *A.* And ic nelle þeah hƿā *B.* ² *B.*
³not in *A.* ⁴ðura *A.B.* ⁵-in *B.* ⁶habbe *A.* ⁷oþþe *A.* ⁸ƿif *B.*
⁹mon *B.* ¹⁰ƿæpn *B.* ƿæpne *H.* ¹¹lece *G.* ¹²hi *B.* ¹³ƿille *A.*
¹⁴mihtan *G.* ¹⁵ƿif *B.* ¹⁶hiȝ *A.* ¹⁷hƿylc *G.* ¹⁸ƿepn *B.* ¹⁹ge-
lece *A.* ²⁰ƿ he *B.* ²¹hƿilcne *A.* ²²-mid *A.* ²³hƿ *B.* ²⁴þonne
A.B. ²⁵þonne *A.* ²⁶not in *G.* ²⁷ƿepn *B.* ²⁸ *G.* ²⁹not in *A.*
³⁰ƿif *B.* ³¹ƿeȳle *A.* ³²hƿ *A.* ³³heo *B.* ³⁴oðer *A.* ³⁵ge-
eophhte *B.* ³⁶ƿif hƿa ƿorrtolen *B.* ³⁷cotan *B.* ³⁸anefneð *B.*

^a The translation assumes the true reading to have been ‘oðru
ƿæpn.’

^b The Latin version reads: ‘Sed suum hordern quod dicere pos-
sumus dispensam, et cistam suam, et teage, id est scrinium suum,
debet ipsa custodire.’ A similar provision is found in the old Scot-
tish law: ‘Tamen uxor in certis casibus respondere tenebitur;
videlicet, si furtum inveniatur sub clavibus suis quas ipsa habet sub
custodia et cura sua, utpote spensæ, arcæ suæ vel scrinii sui. Et si

IN CASE A MAN SET HIS SPEAR AT ANOTHER
MAN'S DOOR.

76. And I hold it right, though any one set his own spear at the door of another man's house, and he have an errand therein; or if any one quietly lay any ^a other weapon, where they would be still if they might; and any man then seize the weapon, and do any harm therewith; then it is right that he who wrought that harm, also make 'bōt' for the harm. And he who owns the weapon, let him clear himself, if he dare, that it never was either by his will, or in his control, or by his counsel, or with his cognizance: then is it God's law, that he be innocent; and let the other, who wrought the deed, see that he make 'bōt' as the law may teach.

OF STOLEN PROPERTY.

77. And if any man bring a stolen thing home to his cot, and he be detected [by the owner]; it is just that he [the owner] have what he went after. And unless it has been brought under his wife's key-lockers, let her be clear; for it is her duty to keep the keys of them; namely, her ^b 'hord-ern,' and her chest, and her 'tege.' If it be brought under any of these, then is she guilty. And no wife may forbid her husband that he may not put into his cot what he will. It was ere this, that the child which lay in the cradle, though it had

³⁹ *pupðe B.* ⁴⁰ *habbe A.* ⁴¹ *bucan G.* ⁴² *per A.* ⁴³ *cæg-locum A.*
⁴⁴ *ryō A.* ⁴⁵ *ry G.* ⁴⁶ *pape A.* ⁴⁷ *pæpe G.* ⁴⁸ *cægen A.* ⁴⁹ *cæzan B.*
⁵⁰ *hýne G.* ⁵¹ *hipe hebbepner cæge 7 hýne cýrte cæge 7 hipe tæzan B.*
⁵² *hýne G.* ⁵³ *hýne A.G.* ⁵⁴ *tege A.* ⁵⁵ *Lyf B.* ⁵⁶ *pýrte A.*
⁵⁷ *pone B.* ⁵⁸ *býð G.* ⁵⁹ *býo A.* ⁶⁰ *hýne A.G.* ⁶¹ *bunban B.*
⁶² *coton G.* ⁶³ *gelaððyan A.* ⁶⁴ *píle B.* ⁶⁵ *pýlle G.* ⁶⁶ *pýran A.* ⁶⁷ *pýrton B.*

aliquod furtum sub clavibus suis inveniatur, uxor cum viro suo tamquam ei consentaneus erit culpabilis et punietur.' *Quon. Attachi.* XII. c. 7. There is a republication of the same law in the Stat. Willielmi Regis, with this variation: 'Spensa et arca robarum et jocalium suorum et de scrinio seu coffero.' XIX. c. 3. We may therefore, perhaps, render the terms in the text, 'her store-room, her chest, and her cupboard.'

¹cradele. þeah hit næfre meter ne abite. ꝥ þa ²gýtrepar ³læton ⁴efen fcyldig' y hit gefittig ⁵pæpe. Ac ic hit forbeode heonan-forð eornorlice ⁶y eac fpyðe manega þincg þe Gode fýndon fpyðe laðe:.'

BE ÐAM ÐE FLIÐÐ FRAM ÐIS [Ð]LAFORDE. — DE SERVO
DESERENTE DOMINUM.

LXXVIII. And ⁷re man þe ⁸ætpleo fram hif hlaforðe offe fram hif ⁹gefeapan for hif ýrhðe. ¹⁰fý hit on ¹¹feyr-fýrðe ¹²fý hit on land-¹³fýrðe. ¹⁴þolige ealler þæg þe he age y hif agenef feofer. y fo re hlaforð to þam ¹⁵æhtan y to hif lande þe he him ær fealde. y ¹⁶gíf he boc-land hæbbe. ga ꝥ þam ¹⁷cýninge to handa:.

BE ÐAM ÐE TO-FORAN ÐIS [Ð]LAFORDE FEALLED.

LXXIX. And re man þe on ¹⁸þam fýrdunge ætforan hif hlaforðe fealle. ¹⁹fý hit ²⁰innan lande ²¹fý hit ²²ut of lande. beon þa hepe-geata forgyrene. y fon þa ²³ýrfe-numan to lande y to ²⁴æhtan y ²⁵feyftan hit ²⁶fpyðe fuhce:.

QUI TERRAM LITE TUTAM PRÆSTITERIT, EANDEM
POSSIDETOR.

LXXX. And fepe land gefepoð ²⁷hæbbe ²⁸be ²⁹feype ³⁰ge-ritneffe ³¹³²hæbbe ³³he ³⁴unbefacen. on dæge y æfter dæge. to ³⁵fýllenne ³⁶y to ³⁷gyfenne. þam þe him ³⁸leofaft ³⁹fý:.

BE ÐUNTNADÐ. — DE FERIS ABIGENDIS.

LXXXI. And ic ⁴⁰fýlle ꝥ ælc man ⁴¹fý hif huntnoðef fýrðe on puða y on ⁴²felða on hif ⁴³agenan. And ⁴⁴forða ⁴⁵ælc man minne ⁴⁶huntnoð. ⁴⁷loc ⁴⁸hpær ic hit gefriðoð ⁴⁹pille ⁵⁰habban ⁵¹be fullan fite:.

¹cradele *B.* ²gýtrepar *G.* ³leton *A.* letan *G.* ⁴feyldige *A.* eal fpa fcyldigne *B.* ⁵pape *A.* ⁶y fpylce manega [*managa A.*] þe Gode fýndon fpyðe laðe [*fýndan laðe A.*] *A.G.* ⁷pe *B.* ⁸pleo *B.* ⁹gefeapan *A.* ¹⁰fý *G.* ¹¹feyr- *G.* ¹²fý *B.G.* ¹³fepe *A.* ¹⁴þolie he *B.* ¹⁵ehtan *A.* æhton *B.* ¹⁶gíf *B.* ¹⁷kýnce *B.* cinze *G.* ¹⁸not in *B.* ¹⁹fý *G.* ²⁰innan *B.* ²¹fý *G.* ²²not in *G.* ²³epfenuman *B.* ²⁴æhte *B.* ²⁵feyften *B.* ²⁶fpyðe *B.* ²⁷habbe *A.* ²⁸on *G.* ²⁹feype *G.* ³⁰gefitnýffe *B.* ³¹— on fcyr-fýrðe y on land-fýrðe *B.* — y fe nolbe offe ne mihce þe hit ær

never tasted meat, was held by the covetous to be equally guilty as if it had discretion. But henceforth I most strenuously forbid it, and also very many things that are very hateful to God.

OF HIM WHO FLEES FROM HIS LORD.

78. And the man who shall flee from his lord, or from his comrade, by reason of his cowardice, be it in the ship-‘fyrd,’ be it in the land-‘fyrd;’ let him forfeit all that he owns, and his own life, and let the lord seize his possessions, and his land, which he previously gave him: and if he have boc-land, let that go into the king’s hands.

OF HIM WHO FALLS BEFORE HIS LORD.

79. And if a man fall before his lord in the ‘fyrdung,’ be it within the land, be it without the land, let the heriots be forgiven; and let the heirs succeed to the land and the property, and divide it very justly.

80. And he who has ^a defended land, with the witness of the shire; let him have it undisputed, during his day and after his day, to sell and to give to him who is dearest to him.

OF HUNTING.

81. And I will that every man be entitled to his hunting, in wood and in field, on his own possession. And let every one forego my hunting: take notice where I will have it untrampled on, under penalty of the full ‘wite.’

æhte *G. add.* ³² habbe *A.* ³³ not in *G.* ³⁴ unberaken *B.* ³⁵ ryll-
anne *B.* ³⁶ not in *A.* ³⁷ zifane *B.* ³⁸ leofort *G.* ³⁹ ri *G.*
⁴⁰ pille *A.* ⁴¹ ri *G.* ⁴² fealba *A.* ⁴³ aȝanan *A.* ⁴⁴ *A.B.G.*
⁴⁵ elc *A.* ⁴⁶ huncað *A.* ⁴⁷ loce *G.* ⁴⁸ hƿap *B.* ⁴⁹ pýlle *G.*
⁵⁰ habben *A.* ⁵¹ – on minon aȝenan *B.*

^a [That is, against all claims.—*T.*]

DE OFFICIIS DOMINO DEBITIS.

LXXXII. And ¹drince-lean ȝ hlaforðeȝ riht ²ȝifu ȝtande æfre ³unapend:

DE EO QUI AD COMITIA PROFICISCATUR.

LXXXIII. And ic ⁴pille þ ælc man ⁵ȝȝ ȝriðeȝ pȝrðe to ȝemote ȝ ȝnam ȝemote. ⁶buton he ⁷ȝi ⁸æbæpe þeoȝ:

DE HARUM LEGUM VIOLATORE.

LXXXIV. ⁹And ȝeþe þaȝ ¹⁰laȝa pȝrðe þe ȝe ¹¹cȝningc hæfð nuða ¹²eallum ¹³mannon ¹⁴forȝȝfen. ¹⁵ȝi he Denȝc oþþe ¹⁶ȝi ¹⁷he Engliȝc. beo he hiȝ pepeȝ ȝcȝlbiȝ rið ¹⁸þone ¹⁹cȝningc. ȝ ²⁰ȝif he hit eft pȝrðe ȝȝlde ²¹tuȝa hiȝ pepe. ȝ ²²ȝif he

¹drince-lean *B.* ²ȝifu *B.* ³unapendeb *B.* ⁴pȝlle *G.* ⁵beo *B.* ⁶butan *G.* ⁷beo *B.* ⁸æbepe *B.* ⁹not in *B.* ¹⁰laȝe *A.* ¹¹cȝngc *G.* ¹²eallon *G.* ¹³mannū *G.* ¹⁴forȝȝfen *A.* ¹⁵ȝeo

^a This term is nowhere found except in the laws, and here it stands unconnected with any thing in the context which can materially assist us in defining its meaning; the reader must therefore make his election between those analogous expressions which are found in other European codes, all of which, however, resolve themselves into the same import with 'drinc-lean' in an etymological sense, but which are applied to things in their nature essentially different. First: in the Lit. Broemannorum (p. 62.) we find the term 'berielda,' or beer-gild, as a due claimed by the judge of the Frisic courts: 'Hwersama sziauath umbe londcap, sa wite thi redieua hweder cap wesen hebbe sa naut; and thi redieua skelt wita ther sin berielda sprecht thetter cap den se: Whenever there is a difference respecting the purchase of land, let the judge prove whether there has been a purchase or not, and that judge shall prove it whose beer-geld declares (whose beer-geld is the proof) that a purchase has been made.' In the Hunsingoer Land-Recht (1252) it is said: 'Thetter neen rediegeua sinne beerielda urherich ne kethe: That no judge shall demand his beer-geld unjustly.' And in the Frisic ordinance of 1464: 'Item soe sullen die grietmans nemen ene kanne wyns van des landes segell van elcker brief to besegelen: The greetmen shall have a kan of wine for every writ to which they affix the seal of the land.' In Germany similar dues were known under the name of 'Wein-gelt.' *Haltius*, 2057. Secondly: there is a custom frequently referred to in the early law-books of the continent, known by the names of ligc-kioff, ley-kauf, lid-kop, wein-kauf, and a variety of other appellations, (in Latin called mercipotus,) which, like the drinc-lean of the text, was by some codes held to be irreversible, and concluded the bargain in respect of which it was given. Thus in King Christopher's Copenhagen Law it is said: 'Item hwilken Man som koper noghre Thing, then som han hauer förre seet, oc drycker ther Ledh-

82. And let ^a 'drinc-lean' and a lord's 'riht gifu' ever stand unchanged.

83. And I will that every man be entitled to 'grith,' to the 'gemōt' and from the 'gemōt;' except he be a notorious thief.

84. And he who violates these laws, which the king has now given to all men, be he Danish or be he English, let him be liable in his 'wēr' to the king: and if he again violate them, let him pay twice his 'wēr:' and if he be then so

B. γι *G.* γή he Denisc γή he Englisc *A.* ¹⁶ γι *G.* ¹⁷ not in *B.*
¹⁸ þonne *A.* ¹⁹ kyninge *B.* cinge *G.* ²⁰ γή *B.* ²¹ τρυza *A.* τρυα *B.*
²² γή *B.*

kop uppa, tha schal holde Kopit, oc betale thet som han hauer kopt: If any one buy a thing which he has before seen, and drink the 'ledhkop,' he shall hold to the bargain, and pay for that which he has bought.' 'Si quis aliquid emit et dat mercipotum, nec emptor nec venditor possunt revocare.' *Gruppen. Antiq. Hanover*, p. 234. Thirdly: Wein-kauff, Lett-kauf, Lid-kop was a species of relief paid to the lord in socage tenure, or, as it is defined by Haltaus, 'Pecunia vinaria et potabilis quam colonus heres pro relevio solvit domino.' p. 2059. Lastly: there was a service known by the name of 'Lid-lon' and 'Lit-lon:' 'Wo Yemanndt ainen beclagt umb gearnneten Lon, das Lid-lon ist, so sol der Richter oder Fronpot, nach der Clag, dem beclagten gepieten, das er den Clager seines Lid-lons, wo er des bekennt, in viertzehen Tagen, enntricht. *Art.* 10. Was der Man verdiennt mit seinem Pflug, mit seinem Vieh, do der Man selb, oder sein gedingter Eehallt bey ist, oder ain gedingter Eehallt, bey seiner Herrschafft verdiennt, das haisst alles gearnnter Lon.' *Bayr. Land-Recht*, an. 1518, *ap. Haltaus*. 'If any one sue another for gearnnter lon (reward or wages earned) which is lid-lon, the judge or the fronpot after the charge shall command the defendant, if he acknowledge the debt, to pay the prosecutor his lid-lon in fourteen days. What a man earns with his plough, with his cattle, with which the man himself or his hired servant is present, or what a hired servant hires of his master, that is also called gearnnter lon.' The earlier German glossographers render this term *merces artuum*, deriving it from 'lid,' *membrum*; but the analogy of ber-ielda, wein-kauf, lit, lid-kop seems to speak for 'lið,' *A.-S.*, 'lid,' *S.-Goth.*, *potus inebrians*, which would make it nearly identical with the modern German Trinkgeld, and still more so with the drinc-lean of the text.

þonne rpa dýrrtaz ¹rý þ he ²hit ³þriddan ⁴ríðe ⁵þýrðe þolize
ealley þær þe he ⁶āze:.

LXXXV. Nu biððe ic zeorne y on Godey naman beode manna
zehpýlcne þ he ⁷inpearðne heortan ⁸zebuze to hý ⁹Drihtne.
y oft y zelome rmeaze ¹⁰rýðe zeorne' hræt him ¹¹rý to
donne y to forðanne. Eallum ur ¹²ýr ¹³mýcel þearf þ pe
¹⁴God lupian y Godey ¹⁵lage ¹⁶rýlgean y zodbundan ¹⁷lapeopan
¹⁸zeornlice hýpan. ¹⁹forþam hi rceolan ur læðan forð æt þam
dome þonne ²⁰God demeð manna ²¹zehpýlcum be æppan ²²ze-
pýrhtan. And ²³zeræliz ²⁴bið re hýrðe þe þonne þa heorðe
into Godey rice y to heorðlice ²⁵mýrðe bliðe mot læðan
for ²⁶æppan zepýrhtan. And þel þære heorðe þe zerolgað
þam hýrðe þe hiz deorlum ²⁷ætpeað y Gode ²⁸hi ²⁹zeretpýneð.
³⁰Utan þonne ealle anmodne heortan zeorne urum ³¹Drihtne
cpeman mid rihte y heonan-forð rýmle rýlðan ur zeorne
rið ³²þone hatan brýne þe pealleð on helle. And ³³don nu
eac lapeopaf y zodbunde býðelaþ rpa rpa hit riht ýr y ealra
manna þearf ýr. bodiam zelome zodbunde þearfe. y ælc ³⁴þ
³⁵zercað rite ³⁶hlýrte him zeorne y zodbunde ³⁷lare zehpa on
zeþance healde ³⁸rýðe færte him rýlfum to þearfe. y a
manna zehpýlc to ³⁹peorðunze hý ⁴⁰Drihtne do to ⁴¹zōðe
⁴²þær þe he mæze ⁴³porðer y dæde ⁴⁴glæðlice' æfre. þonne
⁴⁵bið ur eallum ⁴⁶Godey ⁴⁷miltþ þe zeappur. ⁴⁸Æa rý Godey
nama ecelice zebletþoð. y lof him y pulðor y purðmýnt
⁴⁹rýmble æfre to ⁵⁰porulde. ⁵¹God Ælmihtaz ur eallum
⁵²zemiltþize rpa hý ⁵³þilla rý. y zehealde ur æfre on ecneþre.
Si hit rpa. Amen:.

¹ rýz G. ² not in A. ³ þpýððe A. þriddæ B. ⁴ rýðe B.G. ⁵ abpece
B. ⁶ G. ⁷ inpearðlice A. ⁸ zebuza B. ⁹ Drihtene B. ¹⁰ rýðe
G. 'not in B. ¹¹ rýz G. ¹² hýr A. ¹³ michel A. ¹⁴ Godð A.
¹⁵ laga A. ¹⁶ rýlgean B. ¹⁷ lapepan A. ¹⁸ y zeornlice B. ¹⁹ - y
Godey lage rýlgean for hý ur rceolan hýpan A.B. ²⁰ Godð A.
²¹ zehpýlcum G. ²² zehpýrhtan B. ²³ zeræliz A. zereliz G. ²⁴ býð
B. ²⁵ mýrðe B. ²⁶ hýr æppan B. ²⁷ ætpeað B. ²⁸ hiz B.
²⁹ zeretpeonað B. ³⁰ Uton B. ³¹ Drihtene B. ³² þonne A. ³³ do

daring that he violate them a third time, let him forfeit all that he possesses.

85. Now I earnestly beseech and in God's name command every man, that he with inward heart bow to his Lord, and many times and oft meditate very earnestly what is for him to do and what to forego. It is very needful to us all, that we love God, and follow God's law, and diligently attend to our divine teachers; because they shall lead us forth at the doom, when God will deem to every man according to his former works. And happy will be the pastor who then can joyfully lead his flock into God's kingdom, and to heavenly bliss, for their former deeds. And well for that flock which followeth the pastor, who weaneth them from devils and gaineth them to God. Let us all then, with unity of heart, diligently please our Lord, as is right, and ever henceforth diligently shield ourselves against the hot burning which seetheth in hell. And let our instructors and divine preachers now also do as it is right and needful for all men, by announcing frequently the divine benefits; and let every one who has discretion diligently listen to them; and let every one hold the divine doctrine very fast in his thought, for his own advantage: and let every man, in honour of his Lord, ever gladly do what good he may, both by word and deed; then shall God's mercy be the readier to us. Ever let God's name be eternally blessed, and praise be to him, and glory and honour for ever and ever. May God Almighty have mercy on us all, as his will may be, and preserve us ever to all eternity. So be it. Amen.

B. ³⁴ *not in A.* *pe G.* ³⁵ *gerceab B.* ³⁶ *hljre A.* ³⁷ *lapa A.*
³⁸ *ƿriðe A.* ³⁹ *ƿƿpðunze A.* *ƿeopðunga B.* ⁴⁰ *Drihtene B.* ⁴¹ *G.*
⁴² *pe A.* *not in G.* ⁴³ *ƿeopðer ƿ ƿeopcer ƿ bæde ƿ glæblice B.*
⁴⁴ *gleblice A.* ⁴⁵ *býð B.G.* ⁴⁶ *ƿob ƿe zeappena B.* ⁴⁷ *miltja A.*
⁴⁸ *A A. Ac B.* ⁴⁹ *not in B.* ⁵⁰ *ƿeopulbe A.* ⁵¹ *- Amen B.* ⁵² *ge-*
miltjýge A. zemiltje B. ⁵³ *milba ƿilla G.* *'pille jý. Amen. B.*
which closes here.

^a CONSTITUTIONES DE FORESTA.

Hæ sunt Sanctiones de Foresta, quas ego Canutus Rex cum consilio primariorum hominum meorum condo et facio, ut cunctis regni nostri Angliæ ecclesiis et pax et justitia fiat, et ut omnis delinquens secundum modum delicti et delinquentis fortunam patiatur.

I. Sunt jam deinceps quatuor ex liberalioribus hominibus, qui habent salvas suas debitas consuetudines, quos Angli ¹ 'pegenes' appellant, in qualibet regni mei provincia constituti, ad justitiam distribuendam, una cum pœna merita et materiis forestæ cuncto populo meo, tam Anglis quam Danis, per totum regnum meum Angliæ, quos quatuor primarios forestæ appellandos censemus.

II. Sint sub quolibet horum, quatuor ex mediocribus hominibus, quos Angli ² 'lespegenes' nuncupant, Dani vero 'yoongmen' vocant, locati, qui curam et onus tum viridis tum veneris suscipiant.

III. In administranda autem justitia nullatenus volo ut tales se intromittant: mediocresque tales post ferarum curam susceptam, pro liberalibus semper habeantur, quos Dani 'ealdermen' appellant.

IV. Sub horum iterum quolibet sint duo minutorum hominum, quos 'Tineman' Angli dicunt; hi nocturnam curam et veneris et viridis tum servilia opera subibunt.

V. Si talis minutus servus fuerit, tam cito quam in foresta nostra locabitur, liber esto; omnesque hos ex sumptibus nostris manutenebimus.

VI. Habeat etiam quilibet primariorum quolibet anno de nostra warda, quam 'michni' Angli appellant, duos equos, unum cum sella, alterum sine sella, unum gladium, quinque

¹ pegened *Sp.*

² lespegend *Sp.*

^a [The text is from Spelman's Glossarium Archæologicum.—*T.*]

lanceas, unum cuspidem, unum scutum, et ducentos solidos argenti.

VII. Mediocrum quilibet, unum equum, unam lanceam, unum scutum, et LX. solidos argenti.

VIII. Minutorum quilibet, unam lanceam, unam arcubalistam, et xv. solidos argenti.

IX. Sint omnes, tam primarii quam mediocres et minuti, immunes, liberi, et quieti ab omnibus provincialibus summotionibus et popularibus placitis, quæ ‘hundred laghe’ Angli dicunt, et ab omnibus armorum oneribus, quod ‘warscot’ Angli dicunt, et forinsecis querelis.

X. Sint mediocrum et minutorum causæ, et earum correctiones, tam criminalium quam civilium, per providam sapientiam et rationem primariorum judicatæ et decisæ: primariorum vero enormia si quæ fuerint (ne scelus aliquod remaneat inultum), nosmet in ira nostra regali puniemus.

XI. Habeant hi quatuor unam regalem potestatem, (salva semper nobis nostra præsentia,) quaterque in anno generales forestæ demonstrationes, et viridis et veneris forisfactiones, quas ‘muchehunt’ dicunt, ubi teneant omnes calumniam de materia aliqua tangente forestam, eantque ad triplex iudicium, quod Angli ‘ofgangfordell’ dicunt. Ita autem acquiratur illud triplex iudicium. Accipiat secum quinque, et sit ipse sextus, et sic jurando acquirat triplex iudicium, aut triplex juramentum. Sed purgatio ignis nullatenus admittatur, nisi ubi nuda veritas nequit aliter investigari.

XII. Liberalis autem homo, i. ¹ ‘pegen,’ modo crimen suum non sit inter majora, habeat fidelem hominem, qui possit pro eo jurare juramentum, i. ‘forathe:’ si autem non habet, ipsemet juret, nec perdonetur ei aliquod juramentum.

XIII. Si advena vel peregrinus qui de longinquo venerit sit calumniatus de foresta, et talis est sua inopia, ut non possit habere plegium ad primam calumniam, qualem nullus Anglus judicare potest; tunc subeat captionem regis, et ibi expectet quousque vadat ad iudicium ferri et aquæ: attamen si quis

extraneo aut peregrino de longe venienti^a sibi ipsi nocet, si aliquod iudicium iudicaverint.

xiv. Quicumque coram primarios homines meos forestæ in falso testimonio steterit et victus fuerit, non sit dignus imposterum stare aut portare testimonium, quia legalitatem suam perdidit, et pro culpa solvat regi decem solidos, quos Dani vocant ¹‘halseang’ alias ²‘halsefang.’

xv. Si quis vim aliquam primariis forestæ meæ intulerit, si liberalis sit, amittat libertatem et omnia sua; si villanus, abscindatur dextra.

xvi. Si alteruter iterum peccaverit, reus sit mortis.

xvii. Si quis autem contra primarium pugnaverit, in plito emendet secundum pretium sui ipsius, quod Angli ³‘pere’ et ‘pite’ dicunt, et solvat primario quadraginta solidis.

xviii. Si pacem quis fregerit ante mediocres forestæ, quod dicunt ⁴‘grithbrech,’ emendet regi decem solidos.

xix. Si quis mediocrium aliquem cum ira percusserit, emendetur prout interfectio feræ regalis mihi emendari solet.

xx. Si quis delinquens in foresta nostra capietur, pœnas luet secundum modum et genus delicti.

xxi. Pœna et forisfactio non una eademque erit liberalis, quem Dani ‘ealderman’ vocant, et illiberalis; domini et servi, noti et ignoti; nec una eademque erit causarum tum civilium tum criminalium, ferarum forestæ et ferarum regalium: viridis et veneris tractatio: nam crimen veneris ab antiquo inter majora et non immerito numerabatur; viridis vero (fractione chaceæ nostræ regalis excepta) ita pusillum et exiguum est, quod vix ea respicit nostra constitutio: qui in hoc tamen deliquerit, sit criminis forestæ reus.

xxii. Si liber aliquis feram forestæ ad cursum impulerit, sive casu, sive præhabita voluntate, ita ut cursu celeri cogatur

¹ halfhang. *Sp.*

⁴ gethbrech *Sp.*

² halsehang *Sp.*

³ pere et pite *Sp.*

^a [Here some words are wanting, cf. Cn. Sec. 36, and the ancient Latin version.—*T.*]

fera anhelare, decem solidis regi emendet; si illiberalis, dupliciter emendet; si servus, careat corio.

xxiii. Si vero harum aliquot interfecerit, solvat dupliciter et persolvat, sitque pretii sui reus contra regem.

xxiv. Sed si regalem feram, quam Angli 'staggon' appellant, alteruter coegerit anhelare, alter per unum annum, alter per duos, careat libertate naturali; si vero servus, pro utlegato habeatur, quem Angli 'frendlesman' vocant.

xxv. Si vero occiderit, amittat liber scutum libertatis; si sit illiberalis, careat libertate; si servus, vita.

xxvi. Episcopi, abbates et barones mei non calumniabuntur pro venatione, si non regales feras occiderint; et si regales, restabunt rei regi pro libito suo, sine certa emendatione.

xxvii. Sunt aliæ (præter feras forestæ) bestię, quæ dum inter septa et sepes forestæ continentur, emendationi subjacent: quales sunt capreoli, lepores et cuniculi. Sunt et aliæ quamplurima animalia, quæ quanquam infra septa forestæ vivunt, et oneri et curæ mediocrium subjacent, forestæ tamen nequaquam censeri possunt, qualia sunt bubali, vaccæ et similia. Vulpes et lupi nec forestæ nec veneris habentur, et proinde eorum interfectio nulli emendationi subjacet. Si tamen infra limites occiduntur, fractio sit regalis chaceæ, eo mitius emendetur. Aper vero quanquam forestæ sit, nullatenus tamen animal veneris haberi est assuetus.

xxviii. Bosco nec subbosco nostro, sine licentia primariorum forestæ, nemo manum apponat; quod si quis fecerit, reus sit fractionis regalis chaceæ.

xxix. Si quis vero ilicem aut arborem aliquam, quæ victum feris suppeditat, sciderit, præter fractionem regalis chaceæ, emendet regi viginti solidis.

xxx. Volo ut omnis liber homo pro libito suo habeat venerem sive viridem in planis suis super terras suas, sine chacea tamen; et devitent omnes meam, ubicunque eam habere voluere.

xxxi. Nullus mediocris habebit nec custodiet canes, quos Angli 'greihounds' appellant. Liberali vero, dum genuiscissio eorum facta fuerit coram primario forestæ, licebit; aut sine

genuiscissione, dum remoti sunt a limitibus forestæ per decem milliaria: quando vero propius venerint, emendet quodlibet milliare uno solido. Si vero infra septa forestæ reperiatur, dominus canis forisfaciet ^aet decem solidos regi.

xxxii. Velteres vero, quos 'langeran' appellant, quia manifeste constat in iis nihil esse periculi, cuilibet licebit sine genuiscissione eos custodire. Idem de canibus quos 'ram-hundt' vocant.

xxxiii. Quod si casu inauspicato hujusmodi canes rabidi fiant et ubique vagantur, negligentia dominorum, redduntur illiciti, et emendetur regi pro illicitis, etc. Quod si intra septa forestæ reperiantur, talis exquiratur herus, et emendet secundum pretium hominis mediocris, quod secundum legem ^b Werinorum, i. ¹Thuringorum, est ducentorum solidorum.

xxxiv. Si canis rabidus momorderit feram, tunc emendet secundum pretium hominis liberalis, quod est duodecies solidis centum. Si vero fera regalis morsa fuerit, reus sit maximi criminis.

¹ Churingorum *Sp.*

^a [Apparently a repetition of the preceding syllable.—*T.*]

^b ['Qui liberum occiderit, cc. sol. componat.' *Lex Angl. et Werin.* tit. i. § 2.—*T.*]

RECTITUDINES
SINGULARUM PERSONARUM.

a¹ RECTITUDINES SINGULARUM PERSONARUM.

ÐELENES LALU.

Ðegener laƷu iƷ þ he Ʒý hiƷ boc-Ʒihter Ʒýrðe. Ʒ þ he ðreo ðinc of hiƷ lande ðo. Ʒýrð-Ʒænelð. Ʒ buƷh-bote Ʒ bƷýc-Ʒereorc. Eac of manegum landum mare land-Ʒiht aƷuƷt to cýnigef Ʒebanne. ƷƷilce iƷ ðeori-hege to cýnigef hame. Ʒ ƷcorƷ to ƷƷuð-Ʒcipe. Ʒ Ʒæ-Ʒearð. Ʒ heaƷoð-Ʒearð. Ʒ Ʒýrð-Ʒearð. ælmeƷ-Ʒeoð. Ʒ cýƷic-Ʒceat. Ʒ mænige oðere miƷtlice ðingc:

LENEATES RIÐT.

Le neat-Ʒiht iƷ miƷtlic be ðam ðe on lande Ʒtænt. On Ʒumon he Ʒceal land-ƷaƷol Ʒýllan Ʒ ƷæƷƷ-ƷƷýn on Ʒeape. Ʒ Ʒuðan Ʒ auerian Ʒ laðe læðan. ƷýƷcan Ʒ hlaƷorð ƷeorƷmian. Ʒ ƷƷan Ʒ mapan. ðeori-hege heapan. Ʒ Ʒæte halðan. býtlian. Ʒ buƷh hegeƷian niƷe Ʒapan to tune Ʒeccan. cýƷic-Ʒceat Ʒýllan Ʒ ælmeƷ-Ʒeoð. heaƷoð-Ʒearðe healðan Ʒ hoƷƷ-Ʒearðe. ærenðian. Ʒýn ƷƷa nýn. ƷƷa hƷýðer ƷƷa him mon to-tæcð:

KOT-SETLAN RIÐT.

Kote-Ʒetlan Ʒiht. be ðam ðe on lande Ʒtent. On Ʒumon he Ʒceal ælce Oon-ðæge ofeƷ ƷeapeƷ ƷýƷt hiƷ laƷorðe ƷýƷcan. oðð .iii. ðaƷaƷ ælcƷe Ʒucan on hæƷƷeƷt. ne ðeapƷ he land-ƷaƷol Ʒýllan. Ðim ƷebýƷað [.v.] æceƷaƷ to habbanne. mare ƷýƷ hit on lande ðeap Ʒý. Ʒ to lýtel hit bið beo hit a læƷƷe. Ʒorðan hiƷ Ʒeorc Ʒceal beon of-Ʒæðe. Ʒýlle hiƷ heorð-ƷæniƷ on halƷan ÐunƷeƷ-ðæg. eal ƷƷa ælcan ƷƷuƷean men ƷebýƷeð. Ʒ ƷeƷiƷe hiƷ hlaƷorðeƷ inlanð. ƷiƷ him man beode. æt Ʒæ-Ʒearðe Ʒ æt cýnigef ðeori-hege. Ʒ æt

¹ *This superscription is from Hk.; R. has the less appropriate one, 'De dignitate hominum.'* ² *brugbotam R.* ³ *capiatis M.Hk.*
⁴ *et M.Hk.* ⁵ *et de alia annona dimidiam acram T. add.* ⁶ *si*

a¹ RECTITUDINES SINGULARUM PERSONARUM.

TAINI lex est, ut sit dignus rectitudine testamenti sui, et ut ita faciat pro terra sua, scilicet, expeditionem, burhbotam, et ² brigbotam. Et de multis terris majus landirectum exurgit ad bannum regis, sicut est deorhege ad mansionem regiam, et sceorpum in hosticum, et custodiam maris, et ³capitis, et pacis, et elmesfeoh, id est, pecunia elemosine, et ciricsceatum, et alie res multimode.

VILLANI rectum est varium et multiplex, secundum quod in terra statutum est. In quibusdam terris debet dare landgablum et gærsspin, id est, porcum herbagii, et equitare, ⁴vel averiare, et summagium ducere, operari, et dominum suum firmare, metere et falcare, deorhege cedere, et stabilitatem observare, edificare et circumsepire, novam faram adducere, ciricsceatum dare et almesfeoh, id est, pecuniam elemosine, heafodwardam custodire et horswardam, in nuncium ire, longe vel prope, quocunque dicetur ei.

COTSETLE rectum est juxta quod in terra constitutum est. Apud quosdam debet omni die Lune, per anni spatium, operari domino suo, et tribus diebus unaquaque septimana in Augusto. Apud quosdam, operatur per totum Augustum, omni die, et unam acram avene metit pro diurnale opere. Et habeat garbam suam ⁵quam præpositus vel minister domini dabit ei. Non dabit landgablum. Debet habere quinque acras ad perhabendum, plus ⁶si consuetudo sit ibi, et parum nimis est si minus sit quod deservit, quia sepius est operi illius. Det super

consuetudo opus est operis illius *R.* si consuetudo sit ibi, et opus est operis illius *M.*

^a [The Latin text is from *R.* collated with *M.* *Hk.* and *T.*—*T.*]

ƿilcan ðingān ƿile hiſ mæð ȝý. ⁊ ȝýlle hiſ cýric-ƿceat to
 Waptinuſ mæſſan.

LEBURES LERIPTE.

Lebur-geſuhta ȝýn mýlice. gehƿar hý ȝýn heſige. gehƿar
 eac meðeme. on ȝumen lande iſ þ he ƿceal ȝýncan to ƿic-
 peorce .ii. ðaȝaſ. ƿile peorc ƿile him man tæcð ofeſ ȝeaſeſ
 ȝýſſe. ælcſe ƿucan. ⁊ on hæſſeſt .iii. ðaȝaſ to ƿic-peorce. ⁊
 of Landelmæſſe oð Eaſtſan .iii. ȝiſ he aſeſað ne ðeaſſe he
 ȝýncan ða hſile ðe hiſ hoſſe ute bið. Iðe ƿceal ȝýllan on
 Michaeler mæſſe-ðæig .x. ȝaſol-þ. ⁊ on Waptinuſ mæſſe-
 ðæg .xxiii. ȝýſſa beſeſ. ⁊ .ii. hen-ſugelaſ. on Eaſtſan an
 ȝeong ƿceap. oððe .ii. þ. ⁊ he ƿceal licȝan of Waptinuſ
 mæſſan oð Eaſtſan æt hlaſonðeſ ƿalbe. ȝſa ofeſ ȝſa him to-
 beȝæð. ⁊ of ðam tīman ðe man æſeſt eſeð oð Waptinuſ
 mæſſan he ƿceal ælcſe ƿucan eſian .i. æceſ. ⁊ ȝæðan ȝýlſ þ
 ȝæð on hlaſonðeſ beſne. to-eacan ðam .iii. æceſaſ to bene. ⁊
 .ii. to ȝæſſe-ȝýðe. ȝýſ he maſan ȝæſſeſ beðýſſe ðonne
 * eapniȝe ðæſ ȝſa him man ðaſige. Iðiſ ȝauol-ȝýðe .iii.
 æceſaſ eſiȝe ⁊ ȝape of hiſ aȝanum beſne. ⁊ ȝýlle hiſ heoſð-
 ƿæniȝ. tpeȝen ⁊ tpeȝen ƿeðan ænne heaðon-hunð. ⁊ ælc ȝebuſ
 ȝýlle .vi. hlaſaſ ðam in-ȝſane ðonne he hiſ heoſðe to mæſ-
 tene ðſiſe. On ðam ȝýlſum lande ðe ðeoy ȝæðen on-ȝtænt
 ȝebuſe ȝebýſeð þ him man to land-ȝetene ȝýlle .ii. oxan ⁊
 .i. cu. ⁊ .vi. ƿceap. ⁊ .vii. æceſaſ ȝeſapene on hiſ ȝýſðe
 landeſ. ƿoſðiȝe ofeſ þ ȝeap ealle ȝeſuhtu ðe him to-ȝebýſi-
 ȝean. ⁊ ȝýlle him man tol to hiſ peorce ⁊ andlaman to hiſ
 huſe. ðonne him ƿoſð-ȝið ȝebýſiȝe ȝýme hiſ hlaſonð ðæſ
 he læſe.

Deoy land-laȝu ȝtænt on ȝuman lande. gehƿar hit iſ ȝſa ic
 æſ cƿæð heſiȝne gehƿar eac leohſe. ƿoſðam ealle land-ȝiða
 ne ȝýn ȝelice. On ȝumen lande ȝebuſ ƿceal ȝýllan huniȝ-
 ȝaſol. on ȝuman mete-ȝaſol. on ȝuman ealu-ȝaſol. Iðeðe ȝeðe
 ȝciſe healðe þ he ƿiſe ā hſæt eald land-ȝæðen ȝý. ⁊ hſæt
 ðeode ðeap.

BE ÐAM ÐE BEON BEPITAÐ.

Beo-ceople ȝebýſeð ȝiſ he ȝaſol-heoſðe healt þ he ȝýlle

heorðpenig in sancto die Jovis, sicut omnis liber facere debet, et adquietet inland domini sui, ¹si submonitio fiat de sewarde, id est, de custodia maris, vel de regis deorhege, et ceteris rebus que sue mensure sunt: et det suum cyricsceatum in festo S̄ci Martini.

GEBURI consuetudines inveniuntur ²multimode, et ubi sunt ³onerose et ubi sunt leviores aut medie. In quibusdam terris operatur opus septimane, II. dies, sic opus sicut ei dicitur per anni spatium, omni septimana; et in Augusto III. dies pro septimanali operatione, et a festo Candelarum ad usque Pascha III. Si averiat, non cogitur operari quamdiu equus ejus foris moratur. Dare debet in festo S̄ci Michaelis x. ð. de gablo, et S̄ci Martini die xxiii., et sestarium ordeï, et II. gallinas. Ad Pascha I. ovem juvenem, vel II. ð. Et jacebit a festo S̄ci Martini usque ad Pascha ad faldam domini sui, quotiens ei pertinebit. Et a termino quo primitus arabitur usque ad festum S̄ci Martini arabit unaquaque septimana I. acram, et ipse parabit semen domini sui in horreo. Ad hæc III. acras precum, et duas de herbagio. Si plus indigeat herbagio, arabit proinde sicut ei permittatur. De aratura gabli sui arabit III. acras, et seminabit de horreo suo, et dabit suum heorðpenig; et duo et duo pascant unum molossum. Et omnis geburus det VI. panes porcario curie quando gregem suum minabit in pastinagium. In ipsa terra ubi hec consuetudo stat, moris est ut ad terram assidendam dentur ei II. boves, et I. vacca, et VI. oves, et VII. acre seminate, in sua virgata terra. Post illum annum faciat omnes rectitudines que ad eum attinent; et committantur ei tela ad opus suum, et suppellex ad domum suam. Si mortem obeat, rehabeat dominus suos omnia.

Hæc consuetudo stat in quibusdam locis, et alicubi est, sicut prediximus, gravior, et alicubi levior; quia omnium terrarum instituta non sunt equalia. In quibusdam locis gebur dabit hunigabulum, ³in quibusdam metegabulum, in quibusdam ealagabulum. Videat qui scyram tenet, ut semper sciat que sit antiqua terrarum institutio, vel populi consuetudo.

BOCHERO, id est, apum custodi, pertinet, si gavelheorde, id

² multitudine *M. Hk.*

³ not in *R.*

ðonne lande ȝeƿæð beo. Wīð uƿ iƿ ȝeƿæð ꝥ he ȝýlle .v. ȝurȝas huniȝe to ȝafole. on ȝuman landum ȝebýƿeð mape ȝafol-ƿæden. Eac he ȝceal hƿil-tidum ȝeapa beon on manegum ƿeorcum to hlaƿonðeƿ ƿillan. to-eacan ben-ȝiðe ȝ ¹ben-ȝiƿe ȝ mæð-mæƿecte. ȝ ȝýƿ he ƿel ȝelenð bið he ȝceal beon ȝehorȝað ꝥ he mæȝe to hlaƿonðeƿ ȝeame ꝥ ȝýllan oððe ȝýlf læðan. ȝƿæðeƿ him man tæce. ȝ ȝela ðinȝa ȝƿa ȝeƿað man ȝceal ðon. eal ic nu atellan ne mæiȝ. ðonne him ƿorð-ȝið ȝebýȝiȝe hede ȝe hlaƿonð ðæƿ he læƿe bute hƿet ȝƿiȝeƿ ȝý.:

BE LAFOL-SƿANE.

Lafol-ȝƿane ȝebýƿeð ꝥ he ȝýlle hiƿ ȝlýht be ðam ðe on lande ȝtent. On manegum landum ȝtent ꝥ he ȝýlle ælce ȝeape .xv. ȝƿýn to ȝticunȝe .x. ealde. ȝ .v. ȝýnȝe. hæbbe ȝýlf ꝥ he oƿeƿ ꝥ aȝæpe. On manegum landum ȝebýƿeð ðeoppe ȝƿan-ȝiht. Gýme eac ȝƿan ꝥ he æfteƿ ȝticunȝe hiƿ ȝlýht-ȝƿýn ƿel behƿeoƿe. ȝæncȝe. ðonne bið he ƿul ƿel ȝeƿýnȝeƿ ȝýiðe. eac he ȝceal beon. ȝƿa ic æƿ be beoceƿe cƿæð. oƿt-ȝæðe to ȝehƿilcon ƿeoƿce. ȝ ȝehorȝað to hlaƿonðeƿ neode. ðeop-ȝƿan ȝ ðeop-beoceƿe æfteƿ ƿorð-ȝiðe be anƿe laȝe ȝýiðe.:

BE ÆPTE-SƿANE.

Æhte-ȝƿane ðe in heƿode healt ȝebýƿeð ȝti-ƿeap. ȝ hiƿ ȝeƿiȝce ðonne he ȝƿic behƿoƿƿen hæƿð. ȝ elleȝ ða ȝeƿihtu ðe ðeopan men to-ȝebýƿað.:

BE WƢNNA METSUNLE.

Anan eƿne ȝebýƿeð to metȝunȝe .xii. ƿunð ȝoðeƿ coƿneƿ. ȝ .ii. ȝciƿ-æteƿas. ȝ .i. ȝoð mete-cu. ƿudu-ȝæden be land-ȝiðe.:

BE ƿIFWONNA METSUNLE.

ðeopan ƿiƿmen .viii. ƿunð coƿneƿ to mete .i. ȝceap oððe .iii. ƿ. to ƿintep-ȝƿe ȝ. ȝýȝeƿ beana to lænȝten-ȝƿe. hƿæiȝ on ȝumeƿa oððe .i. ƿ.:

Callum æhte-mannum ȝebýƿeð Wīð-ƿintep ȝeoƿm. ȝ Ear-

¹ *MS.* beb-

² et sarticare *M. Hk.* esarticare *R.*

est, gregem ad censum teneat, ut inde reddat sicut ibi moris erit. In quibusdam locis est institutum, reddi vi. sestaria mellis ad censum. In quibusdam locis plus gabli redditur; et aliquotiens etiam debet esse paratus ad multas operationes voluntatis domini sui, et ad benyrðe, id est, araturam precum, et benripe, id est, ad preces metere, et pratum falcare. Et si bonam terram habeat, equum habeat quem ad summagium domini sui prestare possit, vel ipse minare quocunque dicatur ei. Et hujusmodi plurima facienda sunt ei que modo nequeunt enarrari. Cum finis eum demediabit, habeat dominus quod relinquatur, nisi forte liberum aliquid intersit.

GAFOLSPAN, id est, ad censum porcario, pertinet, ut suam occisionem det secundum quod in patria statutum est. In multis locis stat, ut det singulis annis xv. porcos ad occisionem, x. veteres, et v. juvenes; ipse autem habeat superaugmentum. In multis locis est servilius rectum porcarii. Viderit etiam porcarius, ut post occisam ipsam, porcos occisos bene corrediet et suspendat, et tunc habeatur dignus opera sua. Etiam erit, sicut de custode apum diximus, multis operibus frequentatus. Et equum habeat in opus domini sui. Servus porcarius, et servus custos apum, post obitum suum, sint unius legis digni.

ÆHTESPAN, id est, servo porcario, qui dominicum gregem curie custodit, pertinet habere stiferh, id est, porcellum de sude, et suum gewirce, quando bacones suos bene corrediaverit, et amplius, eas rectitudines que servo jure pertinent.

UNI ÆSNO, id est, inopi, contingunt ad victum xii. pondia bone annone, et duo scæpeteras, id est, ovium corpora, et i. bona convictualis vacca, et ²sarticare juxta situm terre.

UNI ANCILLE viii. pondia annone ad victum, i. ³ovis vel iii. ð., ad ⁴hiemale companagium, i. sester fabe ad quadragesimalem convictum. In estate suum hpeig, vel i. ð.

Omnibus ehtemannis jure competit Natalis firma, et Paschalis

³ ovis *M.Hk.* ovem *R.* ⁴ hiemalis *M.Hk.* hiemalem *R.* hiemale *T.*

tor-ƿeopm ƿulh-æcep. ⁊ hæpƿeƿt-handƿul. to-eacan heopa
nȳð-rihte:.

BE FOLLERAN.

Folƿere ƿebȳneð ꝥ he on ƿeƿf monðum .ii. æcepaƿ ƿe-
earniƿe. oðerne ƿeƿapene ⁊ oðerne unƿapene. ƿæðige ƿȳlf
ðæne. ⁊ hiƿ mete. ⁊ ƿcounƿ. ⁊ ƿloƿunƿ him ƿebȳneð. ƿȳf he
maƿe ƿeeapnian mæƿƿ him bið ƿȳlfum ƿƿemu:.

BE SÆDERE.

Sæðere ƿebȳneð ꝥ he hæbbe ælceƿ ƿæð-cȳnner ænne leap-
fulne. ðonne he ælc ƿæð ƿel ƿeƿapen hæbbe oƿeƿ ƿeapere
ƿȳƿe:.

BE OXAN-ƿYRDE.

Oxan-hȳrde mot læƿian .ii. oxan oððe ma mið hlaƿorðeƿ
heorðe on ƿemænne læƿe be hiƿ ealðorƿmanneƿ ƿeƿitneƿƿe.
Eapnian mið ðam ƿeoƿ ⁊ ƿloƿa him ƿȳlfum. ⁊ hiƿ mete-cu
mot ƿan mið hlaƿorðeƿ oxan:.

BE KU-ƿYRDE.

Lu-hȳrde ƿebȳneð ꝥ he hæbbe ealðne cu meolc .vii. niht
ƿȳððan heo niƿe cealƿoð hæƿð. ⁊ ƿȳmetlinge bȳƿtinge .xiiii.
niht. ⁊ ƿa hiƿ mete-cu mið hlaƿorðeƿ cu:.

BE SLEAP-ƿYRDAN.

*L. ðinƿan. Sceaƿ-hȳrðeƿ riht iƿ ꝥ he hæbbe ƿeƿf nihta *ðinƿan to
ƿiððan-ƿintƿa. ⁊ .i. lamb oƿ ƿeapere ƿeoƿeðe. ⁊ .i. bel-ƿlȳƿ.
⁊ hiƿ heorðe meolc .vii. niht æƿteƿ emnihteƿ ðæƿe. ⁊ bleðe
fulle hƿeƿeƿ oððe ƿȳƿunƿe ealne ƿumop:.

BE LĀT-ƿYRDE.

LĀt-hȳrde ƿebȳneð hiƿ heorðe meolc oƿeƿ ƿaƿtiniƿ mæƿƿe-
ðæƿ. ⁊ æƿ ðam hiƿ ðæl hƿæƿeƿ. ⁊ .i. ƿiccen oƿ ƿeapere ƿeo-
ƿoðe. ƿiƿ he hiƿ heorðe ƿel beƿȳmeð:.

BE LYS-ƿYRƿTE.

Lȳƿ-ƿȳƿhtan ƿebȳneð hundƿeð cȳƿe. ⁊ ꝥ heo oƿ ƿƿunƿh-
ƿæƿe buteƿan macige to hlaƿorðeƿ beode. ⁊ hæbbe hiƿe ða
ƿȳƿunƿe ealle butan ðæƿ hȳrðeƿ ðæle:.

sulhæcer, id est, carruce acra, et manipulus Augusti in augmentum jure debiti recti.

FOLGARIO competit, ut in duodecim mensibus, II. acras habeat, unam seminatam, aliam non; sed idem seminet eam, et victum suum, et calciamenta debet habere, et cirotecas. Si plus deservit ipsi commodum erit.

SÆDERE, id est, seminatori, pertinet, ut habeat unoquoque sementis tempore I. leap-fulne, quando semen omne bene seminauerit in anni spatio.

BUBULCO licet adherbare duos boves, et alicubi plus, cum grege domini, in communibus pascuis, per testimonium tamen aldremanni sui. Deserviat per id calceos et cirotecas sibi; et ejus mete cu, id est, victus sui vaccam, licet ire cum bobus domini.

VACCARIi rectum est, ut habeat lac vacce veteris VII. noctibus, postquam enixa erit, et primitivarum bistinguium XIII. noctibus; et eat ejus vacca cum vaccis domini.

PASTORIS ovium rectum est, ut habeat dingiam XII. noctium in Natali Domini, et I. agnum de juventute hornotina, et I. bellis, id est, timpani vellus, et lac gregis sui, VII. noctibus ante equinoctium, et blede, id est, cuppam plenam mesguii de siringia, tota estate.

CAPRARIO convenit lac gregis sui post festum Sæi Martini, et antea pars sua mesguii, et ¹capricum anniculum, si bene custodiat gregem suum.

CASEUM FACIENTI reddere convenit centum caseos, et ut butirum faciat ad mensam domini sui, de siringie: et habeat sibi totam siringiam præter partem pastoris.

BE BERE-BRYTTE.

Bere-brýttan gebýræð coru-gebror on hærfærte æt bernef
dure. 3if him hif ealðorman ann 3 he hit mid 3etpýrðan
3eearnod:.

BE BYDELE.

Býdele gebýræð 3 he for hif pýcan pý peorcer ppi3na ðonne
oðer man. forðan he pceal beon of-3æde. eac him gebýræð
pum land-3týcece for hif 3erpince:.

BE PUDU-PEARDE.

Pudu-pearde gebýræð ælc pind-3ýlled tpeop:.

[BE PÆIL-PEARDE.]

3æig-perde gebýræð 3 man hif 3erpincef lean 3ecnafe on
ðam endum ðe to eten-læfe licgan. forðam he mæig penan.
3ýf he 3 ær for3ýmð. 3 him man hpilcer land-3ticcer 3eann.
3 pceal beon mid folc-3ihtfe nýht eten-læfe. forðam 3ýf he
for p læpðe hif hlaforðef for3ýmð. ne bið hif agnum pel 3e-
bor3en. 3if hit bið ður funden. 3if he ðonne eal pel 3epiðað
he healðan pceal. ðonne bið he 3oðef leanef ful pel peopiðe:.

Land-laga pýn mipelice ppa ic ær beforan pæde. ne pette
pe na ðaf 3epihtu ofef ealle ðeoda. ðe pe ær beforan ýmbe-
ppæcon. ac pe cýðað hpæt ðeap if ðær ðær uf cuð if. 3ýf
pe pelpe 3eleorniað 3 pe pillað 3eorne lupian 3 healðan. be
ðæpe ¹ðeode ðeape ðe pe ðænne on-puniað. forðam laza pceal
on leode luplice leornian. lof peðe on lande pýlf nele leoran.
peola pýndan folc-3epihtu. on pumepe ðeode gebýræð pinter-
peojum. Earter-peojum. ²ben-peojum for pife. 3ýt-peojum for
ýrðe. mæð-med hpeac-mete. æt pudu-lade pæn-tpeop. æt
coru-lade hpeac-copp. 3 rela ðinga ðe ic 3etellan ne mæig.
Ðif if ðeah mýngung manna bipifte 3 eal 3 ic ær beforan
ýmbe-pehte:.

¹ *ms.* ðebe*ms.* benb-

BEREBRETO, i. e. horreareo, pertinet habere ¹crodinum ad ostium horrei in Augusto, si aldremannus suus ei concedat, et idem fideliter deserviat.

BEDELLO pertinet, ut pro servitio suo liberior sit ab operatione quam alii homines, quia sepius est impeditus: etiam ei convenit, ut aliquam terre portiunculam habeat pro labore suo.

PUDEPARD, id est, custodi nemoris vel forestario, jure cecidit lignum omne vento dejectum.

HEIWARDO pertinet, ut merces laboris ejus compensetur in eam partem segetis que pascuis adjacet; quia scire debet si minus hoc servabit, dampnum segetis imputabitur illi. Et si aliqua terre portiuncula permittatur ei, secundum jus publicum, debet esse vicina compascuis, ut si per desidiam ejus seges infestabitur, a suo primitus expectetur.

Leges et consuetudines terrarum sunt multiplices et varie, sicut prelibavimus, nec sancitum hoc super omnes dicimus generale. Notificamus tamen quid in quibusdam locis sit observare; si melius innotescat, gaudenter amplectimur, et custodiri volumus ²juxta mores populi cum quo tunc habitabimus. Leges debet in populis libenter addiscere, qui non vult in patria solus amittere. In quibusdam locis datur firma Natalis Domini, et firma Paschalis, et firma precum ad congregandas segetes, et gutfirma ad arandum, et firma pratorum fenandorum, et hreaccroppum, id est, macoli summitas, et firma ad macholum faciendum. In terra nemorosa, lignum plaustrum; in terra uberi, caput macholi: et alia plurima fuerint a pluribus, quorum hoc viaticum sit, et quod supra diximus.

¹ Ēdinū *Hk.*

² vitas *Hk.* vitam *M.*

LEGES

REGIS ^aEDWARDI CONFESSORIS.

¹INCIPIT LEX GLORIOSI ANGLORUM REGIS EDWARDI.

Post quartum annum adquisicionis regis Willelmi istius terre,
²scilicet Anglie, consilio baronum suorum fecit summoniri per universos ³patrie comitatus, Anglos nobiles,
⁴sapientes, et ⁵in lege sua eruditos, ut eorum consuetudines ab ipsis audiret. Electis igitur de singulis totius patrie comitatibus XII. jurejurando in primis sanxerunt,
⁶ut quoad possent, recto tramite incedentes, legum suarum ac consuetudinum sancita edicerent, ⁷nil pretermittentes, ⁷nil addentes, nil prevaricando mutantes.

DE PACE ET LIBERTATE S^cE ECCLESIE.

I. ⁸A sancta itaque ecclesia exordium sumentes, per quam rex et regnum solide subsistere ⁹haberent, pacem ¹⁰illius et libertatem concionati sunt dicentes. ¹¹Omnis clerus' et ¹²scolares et omnes eorum possessiones, ubicumque fuerint, pacem Dei et sancte ecclesie habeant.

¹ in *Hk. rubrica desunt.* ² in *Hk. deest.* ³ Anglie *Hk.* ⁴ Anglie consulatus *L.* ⁵ et *Hk. add.* ⁶ in *Hk. deest.* ⁷ coram eo *Hk. add.* ⁸ nichil *Hk.* ⁹ A legibus itaque sancte matris ecclesie sumentes exordium, quoniam per eam rex et regnum solidum subsistendi habent fundamentum, leges libertatis et pacis ipsius concionati, &c. *L.* ¹⁰ valerent *Hk.* ¹¹ et libertatem *Hk. add.* ¹² Omnes clerici *Hk.* ¹³ omnes *Hk. add.*

^a [Ex Chron. Saxon. et Flor. Wigorn. liquet Edwardum an. 1043, III. non. Aprilis, Wintoniæ, in regem unctum fuisse, et an. 1066, Indict. IV., Epiphaniæ Domini vigilia, feria quinta, Lundoniæ mortem obiisse. Textus est ex ms. S.—T.]

QUIBUS TEMPORIBUS PAX SERVANDA EST.

II. Ab adventu Domini usque ad octavas Epiphanie ¹pax Dei et sancte ecclesie per omne regnum. Similiter a Septuagesima usque ad octavas Pasche. Item ab Ascensione Domini usque ad octavas Pentecostes. Item omnibus diebus IIII. temporum. Item ²omnibus Sabatis⁷ totius anni, ab hora nona, et totum diem sequentem. Item ³vigilia Sancte Marie, Sancti Michaelis, Sancti Johannis Baptiste, ⁴sanctorum omnium Apostolorum, et Sanctorum illorum quorum festivitates a sacerdotibus in ecclesia diebus Dominicis ⁵annunciabuntur, et Omnium Sanctorum kalendis Novembris, semper ab hora nona vigiliarum ⁶et totum diem sequentem. Item in festivitatum celebrationibus Sanctorum quicumque fuerint in parochiis ubi sunt ecclesie eorum. Et si est qui pro pietate ad celebrationem Sancti adveniat, cum pace moretur et ⁷abscedat. Item omnibus ⁸Christicolis ad ecclesiam Dei causa oracionis pergentibus, pax sit in eundo et redeundo: item ad dedicationes euntibus, et ad sinodos, et ad capitula, sive summoniti sint, sive ⁹per se ibi quid agendum habeant. Et si aliquis excommunicatus ad emendacionem ad episcopum venerit, absolutus eundo et redeundo pacem Dei et sancte ecclesie habeat.¹⁰ Quod si aliquis ¹¹ei forisfecerit, episcopus faciat suam justiciam. Et si pro justicia episcopi emendare noluerit, ostendat regi, et rex constringat forisfactorem ut emendet ¹²cui forisfecit,⁷ et episcopop et sibi. Et sic juste gladius gladium juvabit.

DE JUSTICIA SANCTE ECCLESIE.

III. Ubicumque justicia regis vel ¹³alia quelibet justicia, cujuscumque ¹⁴sit, tenuerit placita vel justiciam, si minister episcopi fuerit, et ostenderit causam ¹⁴sancte ecclesie, ipsa prius ¹⁵ad finem⁷ deducatur, ad quem finem poterit rationabilius

¹ pax *Hk.* pacem *S.* ² dies Sabbatorum *Hk.* ³ vigiliis *Hk.* ⁴ in *Hk. deest.* ⁵ annunciantur *L.* ⁶ et subsequentium solemnitatium. Item in parochiis ecclesiarum ubi propria festivitas sancti celebratur. Similiter et in parochiis in quibus dedicationis dies observatur. Et si quis piam devote ad celebrationem sancti adveniat, pacem habeat eundo, et subsistendo, et redeundo. ⁷ discedat *Hk.* ⁸ christianis *L.* ⁹ pro *L.* ¹⁰ et si aliquis excommunicatus ad emendacionem venerit, absolutus eundo et redeundo, pacem Dei et sancte ecclesie habeat. *Hk. add.* ¹¹ sibi *S.* ei *L. et edit.* ¹² de forisfacto *Hk.* ¹³ aliqua *Hk.* ¹⁴ in *Hk. deest.* ¹⁵ in *Hk. deest.*

¹eo die. Justum est ²etiam ut Dominus ²ubique per servos suos honoretur.

DE LIBERTATE EORUM QUI DE FEODIS ECCLESIE TENUERINT.

iv. Quicumque de ecclesia tenuerit, vel in ³feudo ecclesie manserit, alicubi extra ⁴curiam ecclesiasticam non placitabit, si in aliquo forisfactum habuerit, donec, quod absit, ⁵in curia ⁶ecclesiastica de recto defecerit.

DE HIIS QUI AD ECCLESIAM PRO PRESIDIO FUGERINT.

v. Quicumque reus vel noxius ad ecclesiam pro presidio confugerit, ex quo atrium ingressus fuerit securus sit, et a nemine insequente ⁷ullo modo apprehendatur, nisi per pontificem loci illius, vel ministros ejus. Et si in fugiendo ad domum sacerdotis vel ad curiam ejus diverterit, eandem securitatem et libertatem ⁸ibidem inveniatur quam apud ecclesiam; dum tamen ⁹sacerdotis domus et curia in feodo ecclesie consistent. Si latro est vel raptor, quod male cepit ¹⁰quod ad manum est reddat. Et si illud extirpaverit, et de suo proprio quod reddat habuerit integrum, ei a quo furatum est ¹¹restituatur. Si autem hoc sepius egerit, et forte fortuitu ¹²sic ¹³sepius confugerit, ablacione redditae provinciam forisjuret, nec redeat. Et si redierit, quisquam eum recipere non praesumat, nisi per consensum ¹⁴justiciariorum domini regis.

DE HIIS QUI PACEM ECCLESIE FREGERINT.

vi. Si quis sancte ecclesie pacem fregerit, episcoporum tum est justitia. Et si ¹⁵eorum sententiam defugiendo vel superbe contempnendo parvipenderit, ad regem de eo clamor deferretur post dies XL., et justitia regis mittet eum per ¹⁶vadimonium et per plegios, si habere ¹⁷poterit, usque dum Deo primitus et regi ¹⁸postea satisfaciatur. Et si infra xxx. et unum diem, per amicos suos seu per justiciam regis reperiri non poterit, ore

¹ ipsa *Hk.* ² in *Hk. deest.* ³ feodo *Hk.* fundo *L.* ⁴ ecclesie curiam *Hk.* ⁵ in *Hk. deest.* ⁶ ecclesie *Hk.* ⁷ nullo *Hk.* ⁸ in *Hk. deest.* ⁹ domus enim sacerdotis in feodo *Hk.* ¹⁰ si *Hk.* ¹¹ reddat *Hk.* ¹² ad ecclesiam *Hk. add.* ¹³ sepe *Hk.* ¹⁴ justicie regis *Hk.* ¹⁵ quis *Hk. add.* ¹⁶ vadium *Hk.* ¹⁷ potuerit *Hk.* ¹⁸ in *Hk. deest.*

suo utlagabit eum rex. Et si postea repertus fuerit et teneri possit, vivus regi reddatur, vel caput ipsius si se defenderit; lupinum enim caput geret a die utlagacionis sue, quod ab Anglis wluſheued nominatur. Et hec sententia communis est de omnibus utlagis.

DE DECIMIS.

VII. De omni annona decima garba sancte ecclesie reddenda est. Si quis gregem equarum habuerit, pullum decimum reddat; qui unam solam vel duas, de singulis pullis singulos denarios. Qui vaccas plures habuerit, vitulum decimum; qui unam vel duas, de ¹singulis obolos singulos. Et si de eis caseum fecerit, caseum decimum, ²vel lac decima die.

ITEM DE DECIMIS.

VIII. Agnum decimum, vellus decimum, ³caseum decimum, ⁴butirum decimum, porcellum decimum. ⁴De apibus⁵ secundum quod ⁵sibi per annum inde⁶ profecerit. Quinetiam de boscis et pratis, aquis, molendinis, parcis, vivariis, piscariis, virgultis, ortis, negociacionibus, et de omnibus similiter rebus ⁶quas dederit Dominus,⁷ decima reddenda est; et qui eam detinuerit, per justiciam sancte ecclesie et regis, si necesse fuerit, ad reddicionem cogatur. Hec predicavit Sanctus Augustinus, et hec concessa sunt a rege, et confirmata a baronibus et populis: sed postea instigante diabolo ea plures detinuerunt, et sacerdotes qui divites erant non multum curiosi erant ad perquirendas eas, quia in multis locis sunt modo III. ⁶vel III.⁷ ecclesie, ubi tunc temporis non erat nisi una; et sic incepterunt minui.

DE ILLIS QUI JUDICIUM FACIUNT AQVE VEL FERRI CALIDI.

IX. Assit ad judicium minister episcopi cum clericis suis, et justicia regis cum legalibus hominibus provincie illius, ut videant et audiant quod omnia eque fiant, et quos salvaverit Dominus per misericordiam suam et justicia eorum, quieti sint et liberi abscedant; et quos iniquitas et injusticia sua ⁷condempnaverit, justicia regis de ipsis fieri faciat justiciam.

¹ vitulis *Hk. add.* ² si non fecerit *Hk.* ³ in *Hk. deest.* ⁴ *Hk. add.*
⁵ per tempus anni *Hk.* ⁶ in *Hk. deest.* ⁷ dampnaverit *Hk.*

Barones autem qui curias suas habent de hominibus suis, videant ut ita agant de eis, quatenus erga ¹Dominum reatum non incurrant, et regem non offendant.

Et si placitum de hominibus aliorum baronum oritur in curiis suis, assit ad placitum justitia regis, quoniam absque eo fieri non debet. Et si barones sint qui judicia non habeant, in hundredo ubi placitum habitum fuerit, ad propinquiorem ecclesiam ubi iudicium regis erit, determinandum est, salvis rectitudinibus baronum ipsorum.

DE DENARIO SANCTI PETRI QUI ANGLICE DICITUR ROMESCOT.

x. Omnis qui habuerit xxx. denariatas vive pecunie ²de suo proprio in domo sua, lege Anglorum dabit denarium Sancti Petri; et lege Danorum, dimidiam marcā. Iste vero summoniri debet in festivitate sanctorum Apostolorum Petri et Pauli, et ultra festum Sancti Petri ad Vincula non detineatur. Si quis vero eum detinuerit, ad justiciam regis clamor deferatur, quoniam ille denarius elemosina regis est, et justitia regis reddere faciat denarium et forisfacturam regis et episcopi. Et si quis plures domos habuerit, de illa ubi residens fuerit, ³festo apostolorum Petri et Pauli, reddat denarium.

DE DENEGLDO.

xi. Denegeldi reddicio propter piratas primitus statuta est. Patriam enim infestantes, vastacioni ejus pro posse ⁴suo insistebant; sed ad eorum insolenciam reprimendam, statutum est Denegeldum annuatim ⁵reddendum: i. duodecim denarios de unaquaque hida tocius patrie, ad conducendos eos qui piratarum irruptioni resistendo obviarent. De hoc quoque Denegeldo quiescente erat et libera omnis terra que de ecclesiis propria et dominica erat, eciam de ecclesiis parochiarum ad idem pertinentibus, et nichil in ⁶ejus redemptione persolvebant, quia majorem fiduciam in oracionibus sancte ecclesie habebant quam in defensionibus armorum. Et hanc libertatem habuit sancta ecclesia usque ad tempus ⁷Willielmi junioris, qui de baronibus

¹ Deum *Hk.* ² in *Hk. deest.* ³ vigilia *L.* ⁴ add. *Hk. L.* ⁵ reddi *Hk. L.* ⁶ redditione ejus *Hk.* ⁷ regis Willielmi minoris, qui Ruffus vocabatur; donec eodem a baronibus Anglie auxilium requirente, ad Normanniam retinendam, de Roberto, fratre suo, cognomine Curthose, &c. *L.*

tocius patrie auxilium petiit ad Normanniam retinendam de fratre suo Roberto¹ eunte Ierusalem. Ipsi autem concesserunt ei **iiii. soġ** de unaquaque hida, sanctam ecclesiam non excipientes: quorum dum fieret collectio, clamabat ecclesia, libertatem suam reposcens, sed nichil sibi profuit.

DE MULTIPLICI PACE REGIA ET **iiii. CHIMINORUM
SIVE VIARUM REGALIIUM, ET FLUVIORUM NO-
MINATORUM, QUORUM NAVIGIO DE DIVERSIS
LOCIS VICTUALIA CIVITATIBUS SIVE BURGIS DE-
FERUNTUR.**

xii. Pax regis multiplex est. Alia data manu sua, quam Anglici vocant kinges hand-sealde grið. Alia die qua primum coronatus est; ipsa habet **viii. dies**. In Natali Domini, **viii. dies**; et **viii. dies** Pasche; et **viii. dies** Pentecostes. Alia per breve suum data. Alia quam habent **iiii. chimini**: scilicet Watlingestrete, Fosse, Hikenildestrete, Ermingestrete, quorum duo in longitudinem regni, alii ¹vero in latitudinem² distenduntur. Alia quam habent aque quarum navigio de diversis partibus deferuntur victualia civitatibus et burgis. Illa autem pax manus sue, dierum coronationis sue, et brevis, sub iudicio unius forisfacture est. Similiter **iiii. chiminorum**, et majorum aquarum de assaltu. De opere ³vero si fiat⁴ opus destruetur, et medietas emendacionis dabitur. Qui scienter fregerit eam ⁴**x. et viii.**⁵ hundreda in Denelage, et corpus suum in misericordia regis; lege Anglorum, suum were, i. precium suum, et manbote de occisis erga dominos quorum homines interfecti erant. Manbote in Danelaga, de vilano et de socheman, **xii. oras**; de liberis hominibus **iii. marcas**. Manbote in lege Anglorum, regi et archiepiscopo, **iii. marcē** ⁵de hominibus suis;⁶ episcopo comitatus, comiti comitatus, et dapifero regis, **xx. soġ**; baronibus ceteris, **x. solidū**. Emendacionem faciat parentibus, aut ⁶guerram paciatur, unde Angli proverbium habebant: Bicege spere of side oðer bere, quod est dicere, lanceam eme de latere aut ⁷fer eam.⁸ Pax autem **iiii. chiminorum** et majorum aquarum predictarum sub majori iudicio, quod superius diximus, continetur, scil. de assaltu.⁸ Et si molendina, piscaria, vel alia quelibet opera ad disturbacionem eorum preparentur,

¹ duo *Hk.* ² regni *Hk. add.* ³ *L. add. in S. deest.* ⁴ **xii. et viii.**
⁵ *Hk. add.* ⁶ weram *S.* guerram *Hk.* guerra *L.* ⁷ feras *Hk.*
fer *L.* ⁸ et de ceteris forisfactis. *Hk. add.*

ipsa opera destruantur, chimini et aque reparentur, et forisfactura regis non obliviscatur. Ceteri chimini de ¹civitatibus ad civitates, de burgis ad burgos, per quos homines vadunt ad mercata vel alia negocia sua, sub lege comitatus sunt. Et si quid operis ad disturbacionem eorum erigitur, solo tenus deponatur et chimini reparentur, et secundum legem comitatus, erga comitem ²et vicecomitem emendetur. Similiter de aquis minoribus naves ferentibus, cum eis que necessaria sunt civitatibus et burgis, videlicet ligna et cetera, cum lege minorum chiminorum sit et emendacio earum.

DIVISIONES SCIRARUM ET HUNDREDORUM.

xiii. Divisiones scirarum regis proprie cum iudicio iiii. chiminorum regaliū sunt.

Divisiones hundredorum et wapentagiorum, comitibus et vicecomitibus, cum iudicio comitatus.

DE THESAURIS.

xiv. Thesauri de terra regis sunt, nisi in ecclesia aut in cimiterio inveniantur. Et si ibi inveniuntur, aurum est regis; et si argentum, dimidium est regis, et dimidium ecclesie ubi inventum fuerit, quecumque sit, dives vel pauper.

DE MURDRO.

xv. Quando aliquis alicubi murdritus reperiebatur, querebatur apud villam, ³nisi inveniebatur interfector illius; et si inveniri poterat, justicie regis infra viii. dies interfectionis tradebatur. Si vero inveniri non poterat, mensem et diem unum ad eum perquirendum in ⁴respectum habebant. Et si non inveniebatur, colligebantur in villa xlv. marce. ⁵Et si ad tante pecunie solucionem non sufficiebat, per hundredum colligebatur quod in villa non poterat. Sed quia villa omnino confundebatur, ⁶providerunt barones quod per hundredum colligerentur, et sigillarentur sigillo alicujus baronis comitatus, et deportarentur ad ⁷thesaurarium regis, quas ille servaret per annum integrum. Quod si infra annum posset murdritor inveniri, fieret de eo justicia, et ipsi rehaberent marcas suas.

¹ civitatibus *Hk.* civitate *S.* ² vel *Hk.* ³ ubi *Hk. L.* ⁴ terminum *L.* ⁵ Quod *L.* ⁶ providerunt *Hk. L.* viderunt *S.* ⁷ thesaurum *Hk.*

Si autem infra annum non posset inveniri, parentes murtheri haberent vi. marcas. Si parentes non haberet, dominus ejus aut felagus, si haberet, scilicet fide ligatus cum eo. Si autem neutrum istorum haberet, rex regni, sub cujus dominio et pace degunt omnes Albani, haberet vi. marcas cum suis xl.

DE INVENCIONE MURDRI.

xvi. Murdra quidem inventa fuerunt tempore Cnuti regis, qui, post adquisitam terram et ¹secum pacificatam, remisit ²domum exercitum suum precatu baronum de terra; et ipsi fuerunt fidejussores erga regem, quod illi quos retineret in terra firmam pacem haberent. Ita quod si quis de Anglis aliquem ipsorum interficeret, si non posset defendere se judicio Dei, ferro vel aqua, fieret justicia de eo. Si autem aufugeret, solveretur ut supra dictum est.

DE MULTIPLICI POTESTATE REGIA.

xvii. Rex autem, ³qui vicarius Summi Regis est, ad hoc constitutus est, ut regnum et populum Domini, et super omnia, sanctam ecclesiam, regat et defendat ab injuriosis; maleficos autem destruat et evellat. ⁴Sin autem, nomen regis perdit, testante Johanne papa, cui Pepinus et Karolus filius ejus necdum reges sed principes, sub rege Francorum stulto, scripserunt, querentes: Si ita deberent manere reges Francorum, ⁵solo regio nomine contenti? A quo responsum est: Illos ⁶vocari decet reges qui vigilanter defendunt et regunt ecclesiam Dei et populum ejus, imitati regem psalmigraphum dicentem: 'Non habitabit in medio domus mee qui facit superbiam,' etc.

QUID DEBEANT FACERE QUOS REX VOLUERIT DE MORTE LIBERARE.

xviii. Tamen si aliquis forisfactus requisierit misericordiam ejus, timore mortis vel membrorum, pro forisfacto suo, potest ei condonare, si placet, lege sue dignitatis. Et ipse cui fecerit injuriam faciat rectum, cui prius forisfecerat, in quantum poterit complere, et inveniatur fidejussores de pace et legalitate tenenda.

¹ cum illo *Hk.* ² Daciam *L.* ³ quia *Hk.L.* ⁴ Quod nisi fecerit, nec regis nomen in eo constabit, verum, *L.* ⁵ solo *Hk.L.* sub *S.* ⁶ in *S. deest.*

Quod si non poterit, exulabit a patria. Habet etiam rex aliam potestatem misericordie super captivos: quod ubicumque venerit in civitatem, vel burgum, vel villam, vel etiam in viam, si captivus ibi fuerit, potest eum solvere a capcione: ipse tamen liberatus faciat rectum cui forisfecerit, pro omni posse suo. Murdritor autem vel traditor, si rex condonaverit eis vitam vel membra, servata lege, nullo modo remanebunt in patria, sed jurabunt se ituros ad mare, ad terminum quem justitia constituerit, et se transituros quam cicius poterunt habere navem et ventum. Quod si perjuri remanserint in terra, quicumque eos invenire poterit, faciat de eis justitia. Et si aliquis scienter eos detinuerit pro una nocte, majori lege Anglorum vel Danorum emendabit: pro secunda duplicius: pro tertia nocte socius est et compar malefactorum.

DE UXORIBUS REORUM.

xix. Si ipsi rei uxores habuerint, et remanserint in terra, et dixerit aliquis parentum ¹murdriti, quod ipsis qui' murdrierunt vel tradiderunt, eas consiliatrices vel adjutrices fuisse, expurgent se, si poterunt, iudicio Dei; et si misericordia Dei et rectum suum eas salvaverit, remaneant legales cum maritagiis suis et dotibus. Et infantes qui ante malefactum generati fuerint, non habebuntur exleges, pro malefacto quod patres eorum fecerunt post generacionem, nec perdent hereditatem.

DE FRIDBORGIS, ET QUOD SOLI EBORACENSES VOCANT FRIDBORCH TENMENNE TALE, i.e. SERMO DECEM HOMINUM.

xx. Alia pax maxima est, per quam omnes firmiori statu sustentantur: scilicet fidejussionis stabilitate, quam Angli vocant friðborgas, preter Eboracenses, qui vocant eam tenmanne tale, hoc est, numerum x. hominum. Et hoc est, quod de omnibus villis tocius regni sub decennali fidejussione debeant omnes esse, ita quod si unus ex decem forisfecerit, novem eum haberent ad rectum. Quod si aufugeret, et dicerent quod non possent eum habere ad rectum, daretur eis ad minus a justitia regis spacium xxx. dierum et unius diei. Et si possent eum invenire, adducerent eum ad justiciam. Ipse quidem de suo restauret dampnum quod fecerat, et de corpore suo fiat justitia,

¹murdriti *L.* illorum, quod ipsi *S.*

si ad hoc forisfecerit. Si autem infra supradictum terminum inveniri non poterit, quia in omni friðborge unus erat capitalis quem ipsi vocabant friðborgheued, ipse capitalis acciperet duos de melioribus in suo friðborge, et de tribus friðborgis propinquieribus vicinis suis accipiat de unoquoque capitalem, et similiter duos de melioribus, si poterit eos habere, et se duodecimo expurget se et friðborgum suum, si facere poterit, de forisfacto et fuga supradicti malefactoris. Quod si facere non poterit, restauraret dampnum quod ipse fecerat de proprio forisfactoris quantum duraverit, et de suo¹; et erga justiciam emendent, secundum quod legaliter judicatum fuerit eis.² Et tamen sacramentum quod non potuerunt complere per vicinos, per se ipsos novem jurent se esse immunes. Et si³ aliquem potuerint recuperare, adducent eum ad justiciam, si potuerint, aut dicent justicie ubi sit.

^a DESCRIPTIO LIBERTATUM DIVERSARUM.

xxi. ⁴ Archiepiscopi, episcopi, comites, barones et milites suos, et proprios servientes suos, scilicet dapiferos, pincernas, camerarios, cocos, pistores, sub suo friðborgo habebant: et ipsi suos armigeros vel alios servientes suos sub suo friðborgo; quod si ipsi forisfacerent, et clamor vicinorum insurgeret de eis, ipsi haberent eos ad rectum in curia sua, si⁵ haberent sacham et socham, tol et theam, et infangenethef.

QUID SIT SOCHE, ET SACHE, ET TOL, ET THEAM, ET INFANGENTHEF.

xxii. Soche est, quod si aliquis querit aliquid in terra sua, etiam ⁶furtum, sua est justicia si inventum fuerit an non. Sacha, quod si aliquis aliquem nominatim de aliquo calumpniatus fuerit, et ipse negaverit, forisfactura probacionis vel negacionis, si evenerit, sua erit. Tol, quod nos vocamus theloneum, scilicet libertatem ⁷emendi et vendendi in terra

¹ et frithborgi sui *L. add.* ² Tandem vero *L.* Et tamen *Hk.*
³ quando eum *L.* ⁴ in *Hk. S. deest.* ⁵ has libertates habent, scilicet
Hk. add. ⁶ furta vel aliqua hujusmodi *Hk. add.* ⁷ in *L. deest.*

^a In marg. *ms. S.* litt. rub. Quod omnes qui habent sacham et socham, et tol et theam, et infangthef, pro omnibus servientibus friðborgas dare debent.

sua. Theam, quod si ¹aliquis aliquid² interciebatur super aliquem, et ipse non poterat warantum suum habere, erit forisfactura, ²et justicia similiter de calumpniatore, si deficiebat, sua erit. De infangenef. — ³Justicia cognoscentis latronis sua est⁴ de homine suo, si captus fuerit super terram suam. Et illi qui non habent consuetudines quas supradiximus, ante justiciam regis faciant rectum eciam in hundredo, vel in wapentagiis, vel in schiris.

DE HOSPITIBUS.

xxiii. ⁴Si aliquis hospitatur aliquem cognitum vel incognitum duabus noctibus, poterit eum habere⁵ tanquam hospitem. Quod si ipse forisfecerit, non incurret dampnum pro eo. Sed si ipse cui ipse forisfecerat fecerit clamorem ad justiciam de eo, quod consilio ejus factum sit forisfactum, expurgabit se sacramento cum duobus legalibus vicinis suis, si poterit, de consilio et facto. Sin autem, emendet dampnum et forisfacturam. Quod si tercia nocte hospitatus fuerit, et ipse forisfecerit alicui, habeat eum ad rectum, tanquam de propria familia; quod Angli dicunt ⁵“tuua nictē geste þe þirdde nictē agen hine.” Et si non poterit eum habere ad rectum, habebit terminum mensis et unius diei. Et si poterit eum invenire, ipse malefactor restauret dampnum quod fecerat, ⁶et emendacionem si poterit, et de corpore, si ad hoc fuerit forisfactum. Et si malefactor non poterit restaurare dampnum quod fecerat, ⁷restaurabit hospes qui eum hospitatus fuerat, et forisfacturam. Et si justicia habet eum suspectum, expurgabit se iudicio hundredi vel schire.

DE INVENCIONIBUS.

xxiv. Si aliquis adduxerit aliquid in villam, vel apportaverit animal vel pecuniam aliquam, et dixerit se invenisse; antequam introducat illud in domum suam vel alterius, ante ecclesiam ducat, ⁸et faciat venire sacerdotem de ecclesia, et prefectum

¹ aliquid *Hk.* ² et similiter justicia de calumpniatore, si deficiebat, sua erit *Hk.* ³ omnis enim qui habet sacra et tol et them et infangenef, predictas viz. consuetudines, justicia sua est, &c. *L.* ⁴ Si quis hospitatur privatum, vel alienum, qui Anglice cuþ other uncuþ dicuntur, poterit eum habere noctibus duabus *Hk.* ⁵ tuo niht gest, þe þridde oyen hine. *Hk.* ⁶ in *Hk. deest.* ⁷ si non, restaurabit *Hk.* ⁸ et coram sacerdote ecclesie, et preposito ville, et melioribus hominibus totum ostendat inventum, quicquid sit. Prefectus ville mox mittat ad quatuor villas propinquiores pro sacerdotibus et prepositis

de villa, et de melioribus hominibus de villa, quotquot habere poterit, per summonicionem prefectorum. Ipsi congregatis, ostendat eis totum inventum quicquid sit.¹ Et prefectus de villa mittat ad quatuor villas propinquiores, vel proprios sacerdotes et prepositos de villis, et ipsi prefectorum adducant secum quisque tres vel quatuor de melioribus de villis, et ipsis ostendant totum inventum. Et post testimonium ipsorum, prefectus de cujus dominio inventor est, custodiat inventum usque in crastinum diem, et in crastino die cum aliquibus vicinis suis qui inventum videant, eant ad prefectum hundredi in quo sua villa est, et ostendat illi totum. ¹ Et si dominus in cujus terra inventum est non habet consuetudines suas, scilicet, socham et sacham, omnia liberabit prefecto hundredi, si habere voluerit, cum bonis testibus. Et si dominus ejus habet suas consuetudines in curia domini sui, teneat rectum.²

DE JUDEIS.

xxv. Sciendum est quod omnes Judei, ² ubicumque regno sint, sub tutela et defensione regis ligie debent esse. Neque aliquis eorum potest subdere se alicui diviti sine licencia regis; quia ipsi Judei et omnia sua regis sunt. Quod si aliquis detinuerit eos vel pecuniam eorum, rex requirat tanquam suum proprium, si vult et potest.

DE PACE REGIS, ET QUOMODO SE CONTINERE DEBENT QUI PACEM PER MANUM SUAM, VEL PER BREVE REGIS HABENT.

xxvi. ³De illis qui pacem regis habent, vel manu vel brevi regis, ⁴ fiat; ⁵ quia summum necesse est eis ut eam servant contra omnes legales, non propter eam pacem retineant ⁶ servitium dominorum suorum, nec rectitudines, si quas debent vicinis suis; quia non est dignus habere pacem qui non diligit observare pacem. Quod si confidens in pace quam habet,

villarum, qui adducant secum de unaquaque villa tres vel quatuor de melioribus hominibus, quibus congregatis ostendatur totum inventum quicquid sit. *L.* ¹ Et si homo alicujus domini sit in cujus terra inventum est hoc, et dominus ejus habeat consuetudines suas, scil. sacham et socham, in curia domini sui teneat rectum: sin autem, liberabit prefecto hundredi, si habere voluerit, cum bonis testibus. *Hk.* ² ubicumque *Hk. L.* quocumque *S.* ³ Hi *L. et editt.* ⁴ in *Hk. deest.* ei fideles existant *L. et editt.* ⁵ ideoque *Hk. L.* ⁶ servicia *Hk. L.*

per superbiam forisfecerit alicui, restauret dampnum et iterum tantundem, quod Angli vocant ¹astrikibthet forisfacturam.²

ITEM QUOMODO VEL QUID EMENDARE SOLEBANT,
QUID REGI, QUID DECANO DABUNT, QUI PACEM
REGIS INFRINGEBANT.

xxvii. Pax data manu regis, et viii. diebus quibus primum coronatus est, et pax dictorum festorum, et pax per breve regis, unam mensuram habent emendacionis, et hoc iudicio, quod majus habetur in scira, ubi pax fuerit fracta; verbi gracia, in Danelaga per xviii. hundreda, qui numerus complet septies xx. libras et iiii.; forisfacturam enim hundredi Dani et Norwicenses vocabant viii. libras.³ Nec hoc sine causa: de istis enim habet rex centum solidi,⁴ et comes comitatus L., qui tertium denarium habet de forisfacturis. Decanus autem⁵ reliquos x., preter pacem regis, scilicet de pace data manu regis, et de primo coronatu, et de supradictis festis: Natali, Pascha, Pentecoste.

QUARE FRIDBORGII CONSTITUTI SUNT.

xxviii. Cum autem viderunt quod aliqui stulti libenter forisfaciebant erga vicinos suos, sapientiores ceperunt consilium inter se, quomodo eos reprimerent, et sic imposuerunt justiciarios super quosque x. friðborgos, quos decanos possumus dicere, Anglice autem ⁶tyenþe heued vocati sunt, hoc est caput x. Isti autem inter villas, inter vicinos tractabant causas, et secundum quod forisfacture erant, emendaciones et ⁷ordinaciones faciebant, videlicet, de pascuis, de pratis, de messibus, de ⁸certacionibus inter vicinos, et de multis hujusmodi que frequenter insurgunt.

ITEM.

xxix. Cum autem majores cause insurgebant, referebant eas ad alios majores ⁹justiciarios, quos sapientes supradicti super eos constituerant, scilicet, ¹⁰super x. decanos, quos pos-

¹ atrihiilthet *Hk.* astrihiilthet *L.* ² dāt *Hk. add.* ³ multiplicatis igitur viii. per xviii. faciunt c. et xliiii. *L. add.* ⁴ in *L. deest.* ⁵ episcopi, in cujus decanatu pax fracta fuerit *L. add.* ⁶ tentefe *S.* tyenþe heued *Hk.* ⁷ concordaciones *Hk. L.* ⁸ certacionibus *Hk. litigacionibus L.* ⁹ justiciarios *Hk. L.* interciarios *S.* ¹⁰ super *Hk. L.* per *S.*

sumus vocare centenarios, quia super centum friðborgos iudicabant.

DE HUNDREDIS ET WAPENTAGIIS, ET QUARE WAPENTAC VOCATUR.

xxx. Everwichescire, Nicholescire, Notingehamscire, Leices-trescire, Norhamtunescire, et usque ad Watlingestrete, et viii. milliaria ultra Watlingestrete, sub lege Anglorum. Et quod ¹alii vocant hundredum, supradicti comitatus vocant wapentagium, et hoc non sine causa: ²cum enim aliquis accipiebat prefecturam wapentagii, die constituto, conveniebant omnes majores contra eum in loco ubi soliti erant congregari, et, descendente eo de equo suo, omnes assurgebant contra eum, et ipse erigebat lanceam suam in altum, et omnes de lanceis suis tangebant hastam ejus, et sic confirmabant se sibi. Et de armis, quia arma vocant wappa, et taccare, quod est confirmare.³

DE TREINGIS ET WAPENTAGIIS ET HUNDREDIS.

xxx. Erant et alie potestates super wapentagiis quas tre-hingas vocabant, scilicet, terciam partem provincie, et qui super ipsam dominabantur, trehingref, ad quos deferebantur cause quando non poterant diffiniri in wapentagiis. Et quod Angli vocabant hundredum, isti vocant wapentagium. Et quod illi vocabant tria hundreda, vel iiii. vel plura, isti vocabant trehing.³ Et quod trehinge non poterat diffiniri, in scira ⁴servabatur.

¹ Angli *Hk. L.* alii *S.* ² cum quis accipiebat prefecturam wapentagii, die statuto in loco ubi consueverant congregari, omnes majores natu contra eum conveniebant, et, descendente eo de equo suo, omnes assurgebant ei. Ipse vero erecta lancea sua, ab omnibus, secundum morem, foedus accipiebat: omnes enim quotquot venissent cum lanceis suis ipsius hastam tangebant, et ita se confirmabant per contactum armorum, pace palam concessa. Anglice vero arma vocantur wapen, et taccare confirmare, quasi armorum confirmacio, vel ut magis expresse, secundum linguam Anglicam, dicamus wapentac, i. e. armorum tactus: wapen enim arma sonat; tac tactus est. Quamobrem potest cognosci quod hac de causa totus ille conventus dicitur wapentac, eo quod per tactum armorum suorum ad invicem confederate sunt. *L.* ³ In quibusdam vero provinciis Anglice vocabatur leð, quod isti dicunt tithinge. *L. add.* ⁴ ferebatur *L.*

QUID SIT PREPOSITUS ET PREFECTURA, ET QUID
ALDERMAN, QUI LATINE SENIOR POPULI SONAT,
ET QUAM MULTIPLICITER VOCABULUM PREPO-
SITI DISTENDITUR.

xxxii. Greve autem nomen est potestatis; apud nos autem nichil melius videtur esse quam prefectura. Est enim multiplex nomen; greve enim dicitur de scira, de wapentagiis, de hundredo, de burgis, de villis; et videtur nobis compositum esse e grið Anglice, quod est pax Latine, et ve Latine, videlicet quod debet facere grið, i. e. pacem, ex illis qui inferunt in terram ve, i. e. miseriam vel dolorem, summa auctoritate Domini nostri Jesu Christi dicentis, 'Ve tibi Bethsaida, ve tibi Corozaim.' Frisones et Flandrenses comites suos meregrave vocant, quasi majores vel bonos pacificos; et sicut modo vocantur greves, qui habent prefecturas super alios, ita tunc temporis vocabantur eldereman, non propter senectutem, sed propter sapienciam.^a

LEGES DANORUM.

xxxiii. Erat eciam lex Danorum, Northfolc, Suthfolc, Cantebrugescire, ¹que habebat in emendacionem forisfacture ubi

¹ scire oportet quid *Hk*.

^a [Capitulum sequens, textui Lambardiano interpolatum, ne forte ab aliquo desideraretur, visum est hic subungere.

"DE HERETOCHIIS, etc.

" Erant et alie potestates et dignitates per provincias et patrias universas, et per singulos comitatus tocus regni predicti constitute, qui heretoches apud Anglos vocabantur; scil. barones, nobiles, et insignes sapientes, et fideles, et animosi: Latine vero dicebantur ductores exercitus, apud Gallos capitales constabularii vel mareschalli exercitus. Illi vero ordinabant acies densissimas in preliis, et alas constituebant prout decuit, et prout melius eis visum fuit, ad honorem corone et ad utilitatem regni. Isti vero viri eligebantur per commune consilium pro communi utilitate regni, per provincias et patrias universas, et per singulos comitatus in pleno folcmote, sicut et vicecomites provinciarum et comitatum eligi debent: ita quod in quolibet comitatu semper fuit unus heretoch per eleccionem electus, ad conducendum exercitum comitatus sui, juxta preceptum domini regis, ad honorem et utilitatem corone regni predicti, semper cum opus adfuerit in regno. Item qui fugiet a domino vel socio suo, pro timiditate belli vel mortis, in conduccione heretochii sui in expedi-

supradicti comitatus habebant xviii. hundreda, isti x. et dimidium. Et hoc affinitate Saxonum, quia tunc temporis major emendacio forisfacture Saxonum erat quater ¹xx. lib et iiii. In omnibus aliis causis et forisfacturis eandem legem habebant cum supradictis Norwensibus.

¹ XLIV. *Lamb.*

cione navali vel terrestri, perdat omne quod suum est, et suam ipsius vitam, et manus mittat dominus ad terram quam ei antea dederat. Et si terram hereditariam habeat, ipsa in manus regis transeat. Et qui in bello ante dominum suum ceciderit, sit hoc in terra, sit alibi, sint ei relevaciones condonate, et habeant heredes ejus pecuniam et terram ejus sine aliqua diminucione, et recte dividant inter se. Et qui terram acquietatam habet comitatus testimonio, habeat sine querela in die, et post diem ad dandum ei quem plus amavit. Et omnis sit venacione sua dignus in nemore, in campo, in dominio suo: et abstineat omnis homo a venariis regis, ubicumque pacem eis habere voluerit, super plenam vitam, i. e. forisfacturam. Et omnis homo pacem habeat eundo ad gemotum, vel rediens de gemoto, nisi probatus fur fuerit. Et qui leges apostabit, si fuerit Anglicus, vel Dacus, vel Waliscus, vel Albanicus, vel insulicola, were sue reus sit apud regem, et si secundo id faciat, reddat bis weram suam; et si quid addat tercio, reus sit omnium que habebit. Item aliud folk mote esse debet in quolibet comitatu, per provincias et patrias tocius regni predicti universas, scil. in capite kal. Octob. ad providendum ibi quis erit vicecomes, et qui erunt eorum heretochii, et ad audiendum ibi justa eorum precepta, consilio et assensu procerum, et judicio folkesmote. Et ut warde juste et rite observentur, et ut caute deinceps incendiis sibi illic provideant, cum ad propria redibunt. Ita vero bis folkemote singulis annis semper celebrari debet per annum per universos comitatus, et provincias, et patrias universas tocius regni predicti, pro pace, et stabilitate, et confirmacione regni, ut predictum est, super plenam vitam. Debet autem scyremotum bis, hundreda et wapentachia duodecies in anno congregari, et septem diebus antea submoniri, nisi publicum commodum vel dominica regis necessitas terminum preveniat. Debet eciam in Londoñ, que caput est regni et legum, semper curia domini regis singulis septimanis die Lune hustingis sedere et teneri. Fundata enim erat olim et edificata ad instar, et ad modum, et in memoriam veteris magne Troie, et usque in hodiernum diem, leges, et jura, et dignitates, libertates, regiasque consuetudines antike magne Troie in se continet. In ea itaque supersunt ardua compota, et ambigua placita corone, et curie domini regis tocius regni predicti, que hucusque et consuetudines suas una semper inviolabilitate conservat, ubicumque ipse rex fuerit, sive in expedicione, sive alibi, propter fatigacionem gencium et populorum regni, juxta veteres consuetudines bonorum patrum, et predecessorum, et omnium principum, et procerum, et sapientum seniorum tocius regni predicti."

In ms. *L.* textus a titulo xxxii°. usque ad xxxvi°. deest.—*T.*]

QUOD A REGE ANGLORUM WILLELMO AUCTORIZATA
EST LEX REGIS EDWARDI.

xxxiv. Quam cum ipse Willelmus rex audivit et alias leges de regno, maxime appreciatus est eam, et voluit ut ipsa observaretur per totum regnum; quia dicebat, quod antecessores sui et ¹omnium de Normannia¹ de Norweia venerunt, et legem eorum, cum honesta erat, bene deberent sequi, cum profundior et honestior sit omnibus aliis, scilicet, Britonum, Anglorum, Pictorum. Sed omnes compatriote qui leges narraverunt summopere precati sunt eum, ut permetteret eis leges et consuetudines habere cum quibus vixerant antecessores eorum, et ipsi nati sunt, quia durum erat eis suscipere leges, et judicare de eis quas nesciebant. Et hoc eciam precati sunt eum, pro anima regis Ædwardi, qui sibi concesserat regnum, et cujus erant leges, nec aliorum exterorum. Tandem consilio et precatu baronum adquevit, et sic auctorizate sunt leges regis Ædwardi, que prius adinvente et constitute fuerunt tempore regis Ædgari, avi sui; sed post mortem ejus dimisse sunt annis ²LX. et VIII.³

Ædwardus, filius ejus, natus de uxore, regnavit quatuor annis, xvi. ebdomatibus minus. Quo occiso innocente, dolo noverce sue, propter innocentem vitam suam castam et elemosinis plenam, interfeccionem ejus pro martirio reputaverunt, ei et vocaverunt Sanctum. Post Ældredus, frater ejus, regnum suscepit, regnavitque in multis periculis xxx. et viii. annis. Post ³Ældredum filius ejus Ædmundus, cui cognomen erat Hirenside, i. latus ferreum, ix. fere mensibus regnavit, in quibus viriliter quinquies contra Danorum regem Chnutum dimicavit. Pacto vero ultimo bello concordiam inter se fecerunt. Regnum quoque Anglie dividerunt; dimidium Chnuto, et dimidium Ædmundo, ea ⁴condicione, ut si quis eorum superviveret, alius eorum totum possideret, nec interim aliquis eorum coronaretur. Sed hac convencionem, cunctis primatibus Anglie consencientibus, firmata, post primum mensem, Ædmundus ex hac luce, pro dolor, subtrahitur. Chnutus vero totum suscepit Anglie regnum, regnavitque fere x. et viii. annis. Quo mortuo, Haraldus, falso pene ab omnibus ⁵filius ejus⁵ putatus, successit, et v. annis regnavit. Post quem

¹ et fere omnium baronum Normannie *Hh.*³ Ædelredum *Hh.*⁴ divisione *Hh.*² XLVII. *Hh.*⁵ *add. ex Hh.*

Hardechnutus, filius Chnuti ex Alfueua Imme, sorore *Roberti *I. Ricardi. comitis Normannie, et matre Edwardi regis, II. annis, XII. ebdomatibus minus regnavit: et sic completi sunt ¹LX. et VIII. anni¹ dimissis legibus. Sed postquam Ædwardus rex venit ad regnum, consilio baronum regni, legem omissam, quia honesta videbatur eis, et quia avus ejus eam constituerat; fecit eam reparare et confirmare, et sic vocata est lex regis Ædwardi, que prius dimissa erat a morte Ædgari avi sui usque ad tempus suum.

DE ADVENTU SÇE MARGARETE, MATRIS REGIS SCOCIE, ET ÆDGARI ÆDELING, FRATRIS EJUS, IN ANGLIAM, DE QUO SÇS EDWARDUS REX HEREDEM SUUM FACERE NOLUIT, ET POSTEA WILLELMUM DUCEM HEREDEM SUUM FECIT, EO QUOD DE ÆDGARO FACERE NEQUIVIT.

xxxv. Iste supradictus Edmundus habuit filium quendam qui vocatus est Ædwardus; qui mortuo patre timore² aufugit de ista terra usque ad terram Rugorum, quam nos vocamus Russeiam, quem rex ipsius terre, Malesclodus nomine, ut audivit, et intellexit quis esset et unde esset, honeste eum retinuit. Et ipse Edwardus accepit ibi uxorem nobili genere, de qua ortus est ei Ædgarus Epeling, et Margareta regina Scocie, et ³Christiana soror ejus; cui ⁴Christiane rex Edwardus dedit terram quam habuit postea Radulfus de Limeseia, propter quem misit Rex Edwardus, avunculus ejus, et fecit eum ad se venire. Ipse autem et uxor ejus non multo tempore vixerunt post adventum eorum. Edgarum filium eorum secum retinuit et nutrit pro filio. Quia vero heredem putabat eum facere, nominavit eum Æpeling, quod nos dicimus domicellum; sed nos de pluribus, quia filios baronum vocamus domicellos; Angli autem nullum preter filios regum vocant. Quod si expressius volumus dicere, dicemus, quod in quadam parte Saxonie lingua imago dicebatur, Ædela Anglice nobilis, quod conjunctum Epeling, i. nobilis imago; unde etiam occidentales Saxonici, scilicet Exceestre, habent in proverbio summi despectus, quod summa ira commotus, unus vocat alterum hinderling, i. ab omni honestate dejectum.

¹XLVII. anni et fere duo menses *Hk.* ²regis Canuti *add. Hk.*
³Cristina *Hk.* ⁴Cristine *Hk.*

Rex autem Edwardus, quia cognovit nequiciam gentis sue, et maxime filiorum Goduini, scilicet, Haraldi, Tosti, Gurthi, Leofwini, comperiit quod non posset esse stabile vel firmum de Ædgaro, et adoptavit Willelmum ducem Normannorum, filium ¹ Roberti, avunculi sui, qui postea, auxiliante Deo, conquisivit rectum suum bello contra supradictum Haraldum.

DE LATRONIBUS INTERFECTIS PRO LATROCINIO.

xxxvi. Si post justiciam factam fecerit aliquis clamorem ad justiciarium, quod injuste interfectus sit, et quod injuste jacet inter latrones; et si dixerit, quod velit hoc diracionare, det vadimonium et plegios. Et detur ei terminus unius mensis, ut habeat parentes interfecti ex utraque parte generis sui, scilicet, ex parte patris xii., et ex parte matris vi. Et si isti x. et viii. vellent diracionare cum illo qui prius fecerat clamorem, et dederat vadimonium, det quisque eorum vadimonium cum gladio, et inveniat plegios tales qui possint reddere forisfacturam, i. ²waram suam: si non possunt diracionare. Et tunc interfecto det vadimonium suum, et inveniat plegios, quod juste interfectus est, et juste jacet inter latrones secundum legem, sicut latro. Et tunc primum dicat quo latrocinio et qua ratione interfectus sit. Et si cognoverit quod fuit captus vivus, nominet justiciarium et iudices et testes de vicinis legales. Et si ipsi ³warantizabunt eum quod juste sit facta justicia de eo pro suo latrocinio, quietus erit interfecto, et ipsi qui fecerant clamorem emendent sua vadimonia. Quod si sibi defecerint iudices et testes, et diracionatum fuerit quod injuste interfectus sit, interfecto dabit vadimonium justicie episcopi, et fidejussores ⁴invenient rectum persequendi. Et postea justicia episcopi faciat venire processionem cum sacerdote induto alba ⁴et manipulo et stola et clericis in suppelliciis, cum aqua benedicta et cruce et candelabris et thuribulo cum igne et incenso; et sic extrahant mortuum a terra ponentes in feretrum, et deportent eum ad ecclesiam. Cantata missa et sancto servicio, interrent eum sicut Christianum. Et ab ipso die in ⁵xvi. diebus reddat ⁶interfecto episcopo forisfacturas tres; unam, quia legalem injuste pro latrone interfecit; alteram, quia fratrem suum pro latrone interravit, quod Angli dicunt

¹ Ricardi *Hk.* ² gucrum *Hk.* ³ guarentizent *Hk.* ⁴ *L. add.*
⁵ vi. *S.* ⁶ *L. add.*

his emcristen ; terciam, quia vadimonium ad diracionandum se dedit, et non potuit.

DE USURARIIS.

xxxvii. Usurarios eciam defendit Edwardus, ne esset aliquis in regno suo. Et si aliquis inde probatus esset, omnes possessiones suas perderet, et pro exlege haberetur. Hoc autem dicebat, sepe se audisse in curia Regis Francorum, dum ibi moratus esset, nec immerito, usura enim summa radix viciorum interpretatur.

DE ANIMALIBUS VIVIS ET PANNIS VETERIBUS
EMENDIS.

xxxviii. Defensum erat eciam in lege, ne aliquis emat vivum animal vel pannum usatum sine plegiis et bonis testibus. Et si fuerit aliquod opus aureum vel argenteum, unde ¹empton debeat dubitare, non ematur preter aurifabros et monetarios. Et si ipsi viderint quod sit de ecclesia vel de thesauris, non ematur sine plegiis. Et si venditor non potest habere plegios, retineatur cum ²pecunia donec veniat dominus ejus, aut quilibet alius, qui juste possit eum warrantizare. Quod si aliter aliquis emerit, quod stulte emit perdat et forisfacturam, et postea inquirat justicia per lagemannos, et per meliores homines de burgo vel hundredo vel villa, ubi emptor ipse manserit, de quali vita ipse esset, et si antea audierint eum calumpniari de exlegalitate. Quod si testati fuerint eum de exlegalitate, expurget se judicio comitatus, quod venditorem nesciebat reum de hac vendicione, nec de alia aliqua exlegalitate. Et si sciat venditorem, quis sit et ubi sit, dicat, et justicia querat eum ad faciendam justiciam; et si inveniri non poterit utlagetur.

DE OCCISIONIBUS ANIMALIUM CONTRA NATALE.

xxxix. Cum autem dictum est, quod non emerent animalia preter plegios, clamaverunt macecerarii, quos Angli vocant fleismangeres, de civitatibus et burgis, quod quaque die oportebat eos emere animalia, occidere et vendere.³ Clamabant

¹ emptor *L. et editt.* venditor *S.* ² censu *L.* ³ nam in occisione animalium erat vita eorum *L. add.*

eciam cives et burgenses pro consuetudinibus suis, quod circa festum Sancti Martini 'emebant animalia' sine plegiis, ad faciendas suas occisiones contra Natale Domini, quas consuetudines justas et sapienter ductas non auferimus eis, tamen in mercatis emptis cum testibus et cognicione venditorum.^a

²Expliciunt leges Sancti Edwardi, primo adinvente per Edgarum, avum suum, et per Willelmum, Conquestorem Anglie, confirmate, et prius tempore Cnutonis Regis approbate.'

LIBERTAS CIVITATUM.

I. Sciendum est enim quod infra trium miliarium spacium, ex omni parte extra civitatem, non debet homo alterum retinere vel impedire, nec eciam cum eo mercatum agere, si in pace civitatis ad eam venire voluerit. Sed cum in civitatem pervenerit, tunc sit ei mercatum commune tam pauperi quam diviti.

DE LIBERTATE CIVIUM LUNDONIENSIIUM.

II. Sciendum item est, quod homo qui de curia sit regis vel baronum in domo alicujus civis Londonie III. vel liberatione vel consuetudine, nisi gratis hospitis hospitari non debet. Si enim vim hospitandi ei in domo sua intulerit, ibique ab hospite occisus fuerit, eligat hospes VI. de parentibus suis, et juret septimus, quia hac de causa predicta eum occiderit. Sicque a nece defuncti versus regem et parentes dominosque defuncti quietus remanebit.

ITEM DE LONDONIA.

III. Sciendum est itaque quia civis Londoniensis extra civitatis muros, versus regem nec versus alium placitare debet.

¹ consueverant animalia in foro mercari *L.*

² *L. add.*

^a [Hic desinunt codd. *Hk.* et *L.* Quæ proxime sequuntur capitula sunt ex ms. *S.*, ubi legibus Confessoris nullo intervallo annectuntur. —*T.*]

Si enim forisfacturam fecerit, que pecunia placari posset, ad magis quam ad suum werre judicari non debet, scil. c. solid.

ITEM DE LONDONIA.

iv. Vicecomites civitatis pecuniam alicujus detinere non presumant, nec habeant aliquem in socha manentem ad regis placita invitare, vel justiciam de eo facere, donec custos illius soche in qua manserit de recto tenendo vicecomiti defecerit, nisi eum in regis socha aperte et patenter forisfacientem invenerit.

ITEM DE LONDONIA.

v. Civis iterum ad folkemoth, vel ad husteng, si sine invitatione placitandi venerit, non habet ibi alicui de qualibus querela respondere nisi voluerit.

ITEM.

vi. Civis iterum de Londonia si pro inopia terram suam venundare voluerit, nec filius nec parentes ejus vetare poterunt, nisi eam ad concessum ipsius mercari voluerint.

UNDE SUPRA.

vii. Item si civis Londonie terram aliquam per annum et diem sine calumpnia tenuerit, alicui in civitate manenti respondere non debet, nisi qui terram illam post calumpniatus fuerit, talis etatis tunc fuerit quod calumpniari eam nescierit, vel nisi langor impediat, aut in patria hac non fuerit.

ITEM DE LONDONIA.

viii. Mercator itaque foranus, postquam civitatem introierit, quocumque placuerit ei hospitetur. Sed videat ne ad incisionem merces suas vendat, ut si fulco tinctos attulerit, non minus duodena simul vendat. Et si piper vel cuminum vel gingiber vel alumen vel brasit vel laco vel thus attulerit, non minus quam xxv. libras simul vendat. Si vero zonas attulerit, non minus vendat simul quam unum mille. Et si pannos de seia vel lana vel lino attulerit, videat ne incidat, sed integros vendat. Si vero ceram attulerit, non minus vendat quam unum quartanum.

Mercator itaque foranus nequit pannum madidum emere vel tincturam in urbe facere, vel operam aliquam qui ad cive operari pertineat.

ITEM.

ix. Nequit iterum mercator foranus cum socio suo infra civitatem mercatum aliquem facere ad revendendum illud in civitate, nec aliquem mercatum faciendum nequit civi pervenire, nec magis in urbeprehendinare poterit.

THE LAWS
OF
KING WILLIAM THE CONQUEROR.

THE LAWS

OF

KING WILLIAM THE CONQUEROR.^a

I.

^b Cez sunt les leis e les custumes que li reis Wiſſ grantad al
pople de Engleterre, apres le cunquest de la terre: iceles
meimes que li reis Edward, sun cousin, tint deuant lui.

I. Ceo est a sauer: Pais a seinte iglise. De quel forfeit que
hom fet oust, e il poust uenir a seinte iglise, oust pais de uie e
de membre. E si aucuns meist main en celui ki la mere iglise
requereit, si ceo fust u euesque, u abeie, u iglise de religiun,
rendist ceo quil aureit pris, e cent souz le forfeit; e de mere
iglise de parosse, xx. souz; e de chapele, x. souz.

II. E ki ¹enfreint [la] pais le rei, en Merchene lahe, cent
souz les amendes. Autresi de hemfare et de agwait purpense.
Icel plait afert a la curune le rei. E si aucuns uestunte u
* *L.* baillie? prouost mesfait as humes de sa *ende, e de ceo seit ataint
deuant iustise, le forfeit est a duble de ceo que auter fust forfeit.
Et ki en Dene lahe enfreint la pais le rei, set uint liures e quatre
* *L.* XL. les amendes; et les forpez le rei ki aferent al uestunte, * *L.* souz
* *L.* e *L.* souz en Merchene lahe, * *XL.* souz e' en Westsexene lahe. E cil
francs hom ki ad e sache e soche, e toll e tem, e infangentheof,
se il est enplaide, e il seit mis en forfeit el cunte, afert al os

¹ *Ms.* enfreit

^a [William duke of Normandy ascended the throne of England, on
the death of Harold, in the year 1066, and died in 1087.—*T.*]

THE LAWS

OF

KING WILLIAM THE CONQUEROR.^a

I.

^b Iste sunt leges et consuetudines, quas Willielmus rex, post adquisicionem Anglie, omni populo Anglorum concessit tenendas; eedem videlicet, quas predecessor suus et cognatus, Edwardus rex, servavit in Anglorum regno.

DE PACE ET IMMUNITATE ECCLESIE.

I. Pacem et immunitatem ecclesie sancte concessimus. Cujuscumque criminis reus, si ad ecclesiam confugerit, pacem habeat vite et membrorum. Quod si quis in eum manus iniecerit violentas, et ecclesie immunitatem fregerit, in primis restituat plenarie ablata, et insuper de forisfacto; si cathedralis fuerit ecclesia, vel cenobium, vel quecumque religiosorum ecclesia, centum solidi; si matrix ecclesia parochialis, xx. solidi; si capella, x. solidi.

DE PACE REGIA.

II. Qui pacem regiam infregerit, secundum Merchenalahe, c. solidi pene succumbet. Similis de hamfare et insidiis preco- gitatis pena delinquentem manet. Secundum Denelahe pena infracte pacis regie cXLIII. libi, et forisfactum regis, quod ad vicecomitem pertinet, scilicet xL. solidi in Merchenelahe, et L. solidi in Westsaxenelahe. Quod si vicecomes vel ² prepositus convictus fuerit coram justitiar regis erga homines sue ballie deliquisse, duplo forisfactum majus reportabit quam alii in pari delicto. Si quis eorum, qui habent soche et sache et tol et them et infangenetheof, implacitetur in comitatu, et in forisfac-

² *Ms.* prepositi convicti fuerint

^b [The French text is from *Hk.*; the Latin from *S.* The deficiencies of *Hk.*, within brackets, are supplied from Ingulph and the other printed copies.—*T.*]

le uescunte en Dene lahe XL. ores: e de cel hume ki ceste franchise nen ad, xxxii. ores. De cez xxxii., auerad le uescunte al os le rei, x. ores, e cil ki le plait auerad deredne uers lui, xii. ores; e le seinur en ki fiu il meindra, les x. ores. Ceo est en Dene lahe.

iii. La custume en Merchene lahe est: si aucuns est apele de larrecin u de roberie, e il seit pleui a uenir deuant iustise, e il sen fuie dedenz sun plege, il auerad terme un meis e un iur de querre le; e sil le pot truer dedenz le terme, sil merra a la iustice: e sil nel pot truer, si iurra sei duzime main, que al hure quil le pleui, larrun nel sout, ne par lui sen est fuid, ne auer nel pot. Dunc rendrad le chatel dunt il est retez, e xx. souz pur la teste, e iiii. deñ [al] ceper, e une maille pur la besche, e XL. soġ al rei. E en Westsexene lahe, c. soġ; xx. soġ al clamif pur la teste, e iiii. liġ al rei. En Dene lahe, viii. liġ le forfeit, les xx. soġ pur la teste, les vii. liġ al rei. E sil pot dedenz un an e un iur truer le larrun, e amener a iustise, si lui rendra cil les xx. soġ, kis auerad oud, sin ert feite la iustise del larrun.

iv. Cil ki prendra larrun senz siwte e senz cri que cil enlest a ki il auera le damage fait, e il uienge apres, si est resun quil duinse x. soġ de hengwite, e si face la iustise a la primere deuise. E sil passe la deuise senz le cunge a la iustise, si est forfeit de XL. soġ.

v. Cil ki auer rescut, u cheuals, u bos, u uaches, u berbiz, u pors, que est forfeng apele en Engleis, cil kis claimed durrad [al prouost] pur la rescussiun viii. deñ; ia tant ni ait, mes quil i oust cent al maille, ne durrad que viii. deñ; e pur *iiii. pors, i. deñ; e pur i. berbiz, i. deñ, e issi tresque a viii. pur chascune, i. deñ; ne ia tant ni auerad, ne durrad que viii. deñ. E durrad guuage, e truerad plege, que si autre uienge a prof

* 1. un.

tum cadat, erit ejus forisfactum ad opus vicecomitis XL. ores in Danelahe: aliorum autem, qui non habent hanc libertatem, erit forisfactum in simili casu XXXII. ores; de quibus vicecomes ad opus regum x. ores accipiet, et ei qui in eam optinet XII. ores restituentur: residuum autem, i. e. x. ores, ad dominum in cujus feudo manet, deveniet, secundum Danelahe.

DE PLEGIATIS FUGIENTIBUS.

III. Si quis appellatus de latrocinio vel roberia plegiatur ad habendum ad justiciam, et interim fugerit, in Merchenelahe dabitur plegio respectus unius mensis et unius diei, querendi fugitivum, quem si infra terminum prescriptum invenerit, justicie offerat; si minus, jurabit XII^a. manu quod, hora qua eum plegiavit, nescivit quod latro esset, quod consilio aut ope sua non fugerit, et quod eum habere non potest ad justiciam. Deinde catallum reddet pro quo fuit attachiatus, et xx. sol. pro capite fugitivi, et III. den. cippi custodi, et oñ pro fossorio, et insuper regi XL. sol. Juxta Westsaxenelahe, in tali casu dabit c. solid. pro capite, illi qui clamium prosecutus est, et regi III. libras. At vero in Denelahe, in tali casu, forisfactum est VIII. librarum, quarum VII. regis erunt, octava autem pro capite calumpniati dabitur. Quod si infra annum et diem poterit latronem repertum justicie offerre, reddetur ei libra, quam pro capite calumpnians accepit, et de latrone justicia fiet.

DE LATRONE CAPTO SINE UTHESIO.

IV. Si quis latronem sive furem, sine clamore et insecucione ejus cui dampnum factum est, ceperit, et captum ultra duxerit, dabit x. solid. de henwite, et ad primam divisam faciet de eo justiciam. Quod si eum ultra primam divisam sine justiciarii licencia duxerit, erit in forisfacto XL. sol.

DE AVERIIS QUOS PRÆPOSITUS HUNDREDI RESTARE FECERIT.

V. Si præpositus hundredi equos, aut boves, aut oves, aut porcos, vel cujuscumque generis averia vagancia restare fecerit; is qui veniens sua clamaverit, dabit præposito pro ove denarium, pro porco II. denar., pro bove vel equo III. den. Ita tamen ut ultra VIII. denar. non tribuat, quotquot averia sibi restitui petierit. Dabit insuper wadium, et plegios inveniet, quod si quis alius infra annum et diem veniens, illa averia

dedenz lan e le iur pur laueir demander, quil ait a dreit en la curt celui kil aueit rescus.

vi. Autersi de aueir adire, e autersi de trueueure, seit mustred de treis parz del uisned, quil ait testimonie de la trueueure. E si aucuns uienged auant pur clamer la chose, duinst guuage e truiet plege, que si auter le cleimt dedenz lan e un iur, quil lait a dreit en la curt celui kil auera trued.

vii. Si hom ocist auter, e il seit cunuissant, e il deieue faire les amendes, durrad de sa manbote al seinur, pur le franch hume x. soł, e pur le serf xx. soł.

viii. La were del thein xx. lið in Merchene lahe; xxv. lið in Westsexene lahe. ¹La were del uilain c. soł, en Merchene lahe, e ensement en Westsexene.

* *l. heals-
fange.*

ix. De la were, primereinement rendrad lom del *hamsochne a la uedue e as orfenins x. soł, e le surplus les parenz e les orfenins partent entre eus. En la were purra il rendre cheual ki ad la coille pur xx. soł, e tor pur x. soł, e uer pur v. soł.

* *l. lecefeoh
or lecefeoh.*

x. Si hom fait plaie en auter e il deieue faire les amendes, primereinement lui rende ²sun *lecheof: e li plaiez iurra sur seinz, que pur meins nel pot feire, ne pur haur si cher nel fist. De sarbote, ceo est de la dultur—Si la plaie lui uient el uis en descuuert, al pouz tuteueies viii. deñ; u en la teste u en auter liu u ele seit cuuerte, al pouz tuteueies iiii. deñ. Et de tanz os cum lom trait de la plaie, al os tuteueies iiii. deñ. Puis al acordement, si lui metera auant honors, e iurra que sil lui oust fai ceo quil lui ad fet, e sun quor lui purportast e sun conseil lui dunast, prendreit de lui ceo que offert ad a lui.

¹ *Ms.* En la

² *Ms.* se'n

tanquam sua quesierit, habebit ea ad justiciam ubi habere debet.

DE AVERIO ERRANTE VEL RE INVENTA.

vi. Si quis averium errans recollegerit, vel rem quamcumque invenerit, denunciaret illud per tres partes visneti, villis proximis, ut sint in testimonium inventi. Quod si quis venerit, rem ut suam clamans, det vadium et plegios, quod eam iudicio sistet, si quis infra annum et diem eandem requisierit, et suum recipiat.

DE HOMICIDIIS.

vii. Si quis convictus vel confessus fuerit in jure, alium occidisse, dat were suum, et insuper domino occisi, manbote, scilicet, pro homine libero x. soł, pro servo xx. solidū.

DE WERE DIVERSORUM.

viii. Est autem were theni in Merchenalahe xx. lib̄; in Westsaxenalahe, xxv. lib̄: rustici autem, c. solidū in Merchene-lahe, et similiter in Westsaxenalahe.

QUID FIAT DE WERE.

ix. De were ergo pro occiso soluto, primo vidue x. soł dentur, et residuum liberi et consanguinei inter se dividant. ¹Poterit autem quis, in were solvendo, equum masculum non castratum pro xx. soł dare, et taurum pro x. soł, et verrem pro v. soł.¹

DE VULNERANTE ALIUM.

x. Si vulneraverit quis alium, et satisfacere debeat, in primis reddat ei lichfe, quantum scilicet in curam vulneris impendit. Jurabit tamen vulneratus, quod non potuit pro minori illud curasse, nec quod in odium illius magis justo persolvit. Deinde si plaga in discooperto faciei fuerit, semper ad unciam * * * * * iiii. ð persolvit. Et si ossa abstracta ²fuerint, quot ossa, totiens iiii. ð dabit. Demum ad concordiam plenam, honores illi exhibebit, jurabitque quod sibi, si id intulisset quod ipse illi intulit, id in satisfactionem ab eo susciperet quod ei offert, si hoc in animo sibi sederet et amici consulerent.

¹ not in H.

² not in H.

xi. Si ceo auient que aucuns coupe le puing al auter, u le pie, si lui rendrad demi were sulunc ceo quil est nez. Del poucher, lui rendra la meite de la main. Del dei apres le poucher, xv. soļ, de soļ Engleis que est apele quaer denier. Del lung dei, xvi. soļ. Del autre ki porte lanel, xvii. soļ. Del petit dei, v. soļ. Del ugle, sil le couped de la charn, v. soļ de souz Engleis. Al ugle del petit dei, iiii. deñ.

xii. Cil ki autrui femme purgist, si forfeit sun were vers sun seinur.

xiii. Autersi ki faus iugement fait, pert sa were, sil ne pot iurer sur seinz, que mieuz nel sout iuger.

xiv. Si hom apeled auter de larrecin, et il seit franchs hom, e puissed auer testimonie de lealted, se escundirad par plein serment. E ki blasme unt este, se escundirunt par serment nume: ceo est a sauer par xiiii. humes leals par num, sil les pot auer; si sen escundira sei duzime main. E si il auer nes pot, si sen defende par iuise: e li apelur iurra sur lui par vii. humes numez, sei siste main, que pur haur nel fait, ne pur auter chose, se pur sun dreit nun purchacer.

xv. E si aucuns est apeled de mustier fruissir, u de chambre, e il nait este en ariere blasme, sen escundisse par xiiii. humes leals numez, sei duzime main. E sil ait auter fieðe este blasme, sen escundisse a treis duple, ceo est a saueir par xlii. leals humes numez, sei trente siste main. E sil auer nes pot, aut a la iuise a treis duple, si cum il deust a treis duple serment. E sil ad larrecin ca en ¹ariere amende, aut al ewe.

¹ *Ms.* nariere

DE MEMBRORUM MUTILACIONE.

xī. Si quis alteri vel manum vel pedem abscidit, dimidium were illi reddat, juxta statum conditionis sue. Si pollicem, reddat dimidium illius quod pro manu redderet. Si indicem, xv. soł Anglicos (solidum Anglicum quatuor denarii constituunt). Si medium, xvi. soł. Si annularem, xvii. soł. Si auricularem, v. soł. Si unguem pollicis, vel ancus digiti majoris, v. soł. Si unguem auricularis, iiii. deñ.

SI VIOLAT QUIS UXOREM PROXIMI.

xii. Si quis uxorem alterius legitimam violat, weram suam domino suo reddat.

DE JUDICIO FALSO.

xiii. Qui judicium falsum fecerit, were suum domino solvat, nisi probare possit quod melius judicare nescivit.

DE APPELLATIS EX FURTO.

xiv. Si quis appellatur de furto, et sit liber homo, si bone fame hucusque fuerit, et testimonium bonum habuerit, purgabit se per juramentum suum. Quod si ante culpatus fuit, purgabit se duodecima manu, et eligentur xiiii. legales homines ex nomine, qui juramentum hoc faciant. Quod si defecerit, et jurare cum eo noluerint, defendet se per judicium aque vel ignis: et appellator per vii. legales homines ex nomine jurabit, quod nec ex odio nec alia aliqua causa hoc ei imponit, nisi tamen ut jus suum adipiscatur.

SI APPELLATUR QUIS DE VIOLATIONE ECCLESIE
VEL CAMERE.

xv. Si quis appellatur quod aut ecclesie immunitatem, aut alicujus cameram infregerit, si hactenus de tali crimine immunis fuerit et inculpabilis, purget se juramento, per xiiii. legales homines nominatos manu duodecima. Quod si alias culpatus fuerit, purget se juramento triplicato, id est per xlviii. legales homines nominatos, manu xxxvi^a. Si eos habere non potest, eat ad judicium triplex, si juramentum debuit exhiberi triplex. Si furtum alii calumpniatus emendavit, eat ad judicium aque.

xvi. Li erceuesque auerad de forfeiture xl. soł en Merchene lahe; e li eueske, xx. soł; e li ¹quens xx. soł; e li barun, x. soł; e li socheman, xl. deñ.

xvii. Cil ki ad aueir champestre xxx. deñ vaillant deit duner le deñ Sein Piere. [Le seignur pur iiii. deñ que il dourad, si erunt quites ses bordiers; e ses bovers e ses serianz. Li burgeist, qui ad en soun propre chatel demi marc uailant, deit doner le deñ Seint Pere.] Ki en Dene lahe franch hume est, sil ad demi marc uailant daueir champestre, si duinst le deñ Sein Piere; e par le deñ que li sire durrad, si erent quite cil ki meindrunt en sun demeine. [Ki retient li dener Seint Pere, le dener rendra per la iustice de seinte eglise, e xxx. deñ forfait. E si il en est plaide de la iustise le rei, le forfait al euesque xxx. deñ, e al rei xl. solz.]

xviii. Cil ki purgist femme a force, forfeit ad les menbres. Ki abat femme a terre pur fere lui force, la munte al seinur x. soł.

xix. [Si alquens crieue loil al altre par auenture, quel qe seit, si amendrad lxx. soł de solz Engleis. E si la purnele y est remis, si ne rendra lui que la meite.]

xx. De relief a cunte ki al rei afert—viii. cheuals enfrenez e enselez [les iiii.], e iiii. haubercs, e iiii. haumes, e iiii. escuz, e iiii. lances, e iiii. espees. Les autres, ii. chaceurs e ii. palefreis a freins e a cheuestres.

De relief a barun—iiii. cheuals, les ii. enfrenez e enselez, e ii. haubercs, e ii. haumes, e ii. escuz, e ii. espees, e ii. lances. E les autres, ii. cheuals, un chaceur e un palefrei a freins e a cheuestres.

DE FORISFACTURIS.

xvi. Archiepiscopus habebit de forisfactura in Merchenelahe, xl. soł; episcopus, xx. soł; comes, xx. soł; baro, x. soł; vilanus, xl. denař.

DE DENARIIS SANCTI PETRI.

xvii. Liber homo, qui habet possessionem campestram ad valenciam xxx. denař, dabit denarium Sancti Petri. Dominus autem pro uno denario adquietabit bordarios suos, et bubulcos, et servientes. Burgensis, si habet de proprio catallo ad valenciam dimidie marce, dabit denař Sancti Petri. In Denelahe, homo liber qui habuerit catallum campestre ad valenciam dimidie marce, dabit denař Sancti Petri; et per denarium domini adquietabuntur omnes qui in dominico illius manent. Qui vero denarium Sancti Petri detinet, cogetur censura ecclesiastica illum solvere, et insuper xxx. đ. pro forisfacto. Quod si ante justicias regis placitum venerit, habebit rex xl. soł pro forisfactura, et episcopus xxx. đ.

DE VI OPPRIMENTIBUS.

xviii. Si quis mulierem vi oppresserit et violaverit, membrorum dampno punietur. Si vi ad terram prostraverit ut violaret, domino x. soł reddat.

DE OCULO ERUTO.

xix. Si quis alicui oculum quocumque modo eruit, dabit illi lxx. soł Anglicos. Quod si pupilla forte remanserit, dabit dimidium tanti.

DE RELEVIIS.

xx. Relevium comitis, quod ad regem pertinet, viii. equi, ex quibus iiii. erunt sellati et frenati, et cum eis iiii. lorice, iiii. galee, iiii. lancee, iiii. scuta, et iiii. gladii. Alii iiii. equi erunt palefridi et chascuri, cum freinis et camis.

Relevium baronis iiii. equi, ex quibus duo sellati erunt et frenati, et cum eis lorice due, scuta ii., galee ii., lancee due, gladii ii. Reliquorum duorum equorum, alter erit palefridus, alter chascur, cum frenis et ¹camis.

¹ *ms.* chamis

De relief a uauassur a sun lige seinur—Deit estre quite par le cheual sun pere, tel cum il out le iur de sa mort, e par sun haume, e par sun escu, e par sun hauberc, e par sa lance, e par sespee. E sil fust desaparaille quil noust cheual ne armes, fuste quite par c. soġ.

Del relief al uilain—Le meillur aueir quil auerad, u cheual, u bof, u uache durrad a sun seinur: ^ae puis seient tuz les uilains en franc plege.

[Cil qui tenent lur terre a cense, soit lur dreit relief a tant cum la cense est de un an.]

xxi. De entercement de uif aueir, kil uoldra clamer pur embled, e uoldrad duner guuage e truer plege a parsuire sun apel; dunc estuuera celui kil auera entre mains, numer sun guarant, sil lad; e sil nel ad, dunc numerad il sun heimelborch [e ses testimonies], e ait les a iur e a terme, sil les ad; e li enterceur le mettrad en guage, sei siste main, e li auter le mettrad en la main sun guarant, u a sun heimelborch le quel quil auerad. Et sil nad guarant, ne haimelborch, e il ait les testimonies quil le achatad al marche le rei, e quil ne set sun guarant, ne sun plege, uif ne mort, ceo iurrad od ses testimonies od plein serment; si perdera sun chatel, sil testimonient quil heimelborch enprist. E sil ne pot guarant ne testimonie aueir, si perderad e parsoudrad, e pert sun aueir uers sun seinur. Ceo est en Merchene lahe e en Dene lahge. En West-sexene laghe ne uocherad il mie sun guarant deuant iceo quil seit mis en guage. En Dene laghe mettrad lom laueir en uele main, de ici quil seit derehdned: e sil pot prouer que ceo seit de sa nureture, par de treis parz de sun uisned, sil auerad derehdne; kar puis que le serment lui est iuged, nel en pot lom puis leuer par le iugement de Engleterre.

xxii. Ki Franceis ocist, e les humes del hundred nel prengent e meinent a la iustise dedenz les viii. iurs, pur mustrer kil ait fet; si renderunt le mordre ¹xlviij. mars.

^a [For the Latin text of this clause see cap. xxv.—*T.*]

Relevium vavassoris, quod ad ligium dominum suum pertinet, equus patris sui qualem die obitus habuit; et lorica, galea, scutum, lancea, et gladius. Quod si forte hæc non haberet, poterit se solucione centum solidorum adquietare.

Relevium villani melius averium; sive bos fuerit, sive equus, sui domini erit.

Qui terram ad censum annum tenet, sit ejus relevium quantum unius anni census.

DE WARRANTO PRODUCENDO.

xxi. Si clamaverit quis vivum averium quasi furto sibi surreptum, et dederit vadium, et invenerit plegios de clamio prosequendo; oportet eum qui rem in manu habet, warantum suum producere: quod si non potest, hemoldborh et testes producat. Si vero warantum producere non potest, nec hemoldborh, sed testes habet, quod in mercato regis emerit, et hemoldborh, sed nec warantum nec plegium, sit vivum vel mortuum, perdet rem illam que calumpniatur; et simplici juramento suo et testium suorum se purgabit. Quod si nec warantum, nec plegium, nec testes invenerit, tunc, præter causam clamantis, were domino suo solvet. Hoc generale est in Merchenalahe, et Danelahe, et Westsaxenelahe. Nemo autem cogetur warantum vocare antequam calumpniator producat en gage, manu sexta. In Danelahe ponetur res in manu equali, donec diracionetur. Si autem probare poterit per tres partes visneti sui, quod sit de nutritura sua, disrationabit; quia ex quo per juramentum adjudicatum est, non potest abjudicari per judicium Anglie.

DE MURDRE.

xxii. Si quis Francum hominem occiderit, et non capiant homines de visneto occisorem infra ebdomadam, et offerant justiciariis ad ostendendum quamobrem hoc ille fecerit; reddent pro murdre XLVII. ð.

xxiii. Si hom uolt derehdner cuenant de terre uers sun seinur, par ses pers de la tenure meimes quil apelerad a testimonie, lui estuuerad derehdner; kar par estrange nel purrad pas derehdner.

xxiv. De hume ki plaided en curt, en ki curt que ceo seit, fors la u le cors le rei seit, e hom lui met sure kil ad dit chose kil ne uoille conuistre; sil pot derehdner par un entendable hume del plait, oant e ueant, quil nel auerad dit, recouread sa parole.

xxv. * * * *

xxvi. De quatre chemins, ceo est a saueir, Watlinge strete, Erminge strete, Fosse, Hykenild: ki en aucun de ces quatre chemins ocist aucun ki seit errant par le pais, u asaut, si enfreint la pais le rei.

xxvii. Si larrecin est trued, en ki terre que ceo seit, e le larrun ouoc, li seinur de la terre e la femme auerunt la meite del auer al larrun, e les chalenieurs lur chatel, sil le trouent; e lautre meited, sil est troue dedenz sache e soche, si perderad la femme, e le seinur lauerad.

DE VIARUM CUSTODIBUS.

xxviii. De chascuns x. hides del hundred, un hume dedenz la feste Seint Michel e la Seint Martin. E si li guardireue auerad xxx. hides, quite serrad pur sun trauail. E si auer trespasse par iloc u il deiuent guaiter, e il ne puissent mustrer, ne cri ne force que lur fust faite, si rendissent laueir.^a

^a [Here *Hk.* ends: what follows is from Ingulph, collated with the other printed copies.—*T.*]

SI QUIS CONTRA DOMINUM SUUM TERRAM PETAT.

xxiii. Si voluerit quis convencionem terre tenende, adversus dominum suum disracionare; per pares suos de eodem tenemento, quos in testimonium vocaverit, disracionabit; quia per extraneos id facere non poterit.

SI QUIS NEGAT IN CURIA SE DIXISSE QUOD EI
IMPONITUR.

xxiv. In omni curia, præterquam in presencia regis, si cui imponitur, quod in placito dixerit aliquid, quod ipse negat se dixisse; nisi possit per duos intelligibiles homines de [visu et] auditu convincere, recuperabit ad loquelam suam.

DE FRANCPLEGIO.

xxv. Omnis qui sibi vult justiciam exhiberi, vel se pro legali et justiciabili haberi, sit in francplegio.^a

DE TRIBUS STRATIS REGIIS.

xxvi. In tribus stratis regiis, id est Watelingestrete, Ermingestrete, et Fosse, qui hominem per patriam transeuntem occiderit, vel assultum fecerit, pacem regis infringit.

SI FURTUM CUM FURE REPERITUR.

xxvii. In cujuscumque terra fur cum furto invenitur, dominus terre et uxor furis habebunt medietatem omnium bonorum furis; calumpniator autem rem sibi furatam, si invenit; et alteram medietatem, nisi inveniatur in terra ejus qui habet soch et sac, etc.; quia tunc uxor perdet, et dominus habebit.

DE STRETWARDE.

xxviii. De qualibet hida in hundredo iiii. homines ad stretwarde invenientur a festo S^ci Michaelis, usque ad festum S^ci Martini. Et gwardereve, id est prepositus custodum, habebit xxx. hidas quietas pro labore suo. Quod si averia per locum custodie sue transducta fuerint, et non possint monstrare nec clamorem suum nec vim sibi illatam, reddent illa.

^a [For the French text of this law see cap. xx.—*T.*]

xxix. Cil qui custiuient la terre ne deit lum trauailer se de lour droite cense; noun le leist a seignurage de partir les cultiueurs de lur terre, pur tant cum il pussent le dreit servise faire.

xxx. Les naifs ki departet de sa terre, ne deiuent cartre faut naiuirie quere, que il ne facent lur dreit servise, que apend a lour terre. Li naifs qui departet de sa terre dunt il est nez, e uent a autri terre, nuls nel retenget ne li ne se chatels, enz le facet uenir arere a faire soun servise, tel cum a li apend.

xxxi. Si les seignurages ne facent altri gainurs uenir a lour terre, la justise le facet.

xxxii. Nullui ne toille a soun seinour sun dreit servise, pur nul relais que il li ait fait en arere.

xxxiii. Si femme est jugee a mort u a defaciun des membres, ki seit enceintee, ne faced lum justice, des quele seit deliuerre.

* departent
M. xxxiv. Si home mort senz deuise, si * depertent les enfans lerite entre sei per uwel.

xxxv. Si le pere truuert sa file en auulterie en sa maisoun, u en la maisoun soun gendre, ben li laist ocire la auultere.

xxxvi. Si home enpuissuned altre, seit occis u permanablement eissilled.

DE COLONIS TERRE.

xxix. Coloni et terrarum exercitores non vexentur ultra debitum et statutum; nec licet dominis removere colonos a terris, dummodo debita servicia persolvant.

DE NATIVIS.

xxx. Nativi non recedant a terris suis, nec querant ingenium unde dominum suum debito servicio suo defraudent. Si autem aliquis discesserit, nullus eum receptet, vel catalla sua, nec retineat, sed faciat ad dominum proprium, cum omnibus suis, redire.

DE TERRA COLENDÆ.

xxxi. Si domini terrarum non procurent idoneos cultores ad terras suas colendas, justiciarii hoc faciant.

NE QUIS JUSTUM SERVICIUM DOMINO SUBTRAHAT.

xxxii. Nullus pro quacumque remissione ei a domino gratuito facta, debitum subtrahat servicium.

NE FEMINA PREGNANS JUDICIUM MORTIS SUBEAT.

xxxiii. Si femina pregnans adjudicata sit morti, vel membrorum mutilacioni, differatur executio sententie usque quando pariat.

DE SINE TESTAMENTO MORIENTIBUS.

xxxiv. Si quis paterfamilias casu aliquo sine testamento obierit, pueri inter se hereditatem paternam equaliter dividant.

SI PATER FILIAM ADULTERANTEM REPERIT, VEL
FILIUS UXOREM PATRIS.

xxxv. Si pater filiam maritatam in adulterio deprehendit in domo propria, sive in domo generi sui, licet ei adulterium occidere. Similiter, si filius matrem in adulterio deprehendit, patre vivente, licet adulterium occidere.

DE VENEFICIO.

xxxvi. Si quis alterum veneno occiderit, aut occidatur, aut in exilium perpetuum agatur.

xxxvii. Io iettai uoz choses de la nef, pur pour de mort, e de co ne me poez enplaidier, kar leist a faire damage a altre pur pour de mort, quant perele ne pot eschaper. E si de co me *mespurierai
M. uiesceez, que pur pour de mort nel feisse, de co *mespriorai; e les choses que sunt remises en la nef, seient depertiz en comune sulun les chatels; e si alcun iethed les chatels fors de la nef senz busun, sil rendet.

xxxviii. Dous sunt perceners de un erithet, e est lun enplaide senz laltre, et par sa folie si pert; ne deit pur co laltre estre perdant qui present ne fud; kar chose iuge entre eus, ne forsiuge pas les autres, qui ne sunt a present.

xxxix. Ententivement se purpensent cil qui les iugementz unt a faire, que si iugent, cum si desirent, quant il dient: 'Dimitte nobis debita nostra.' Ki tort esleuera u faus iugement fra, pur curruz ne pur hange u pur aueir, seit en la forfaiture le rei de XL. solz, sil ne pot aleier, que plus dreit faire nel sout; si perde sa franchise, si al rei nel pot reachater a soun pleisir. E sil est en Dene lae, seit forfait de sa laxlite, sil aleier ne se pot, que il melz faire ne sout.

XL. * * * *

xli. E nous defendun que lun Christien fors de la terre ne uende, nensurchetut en paisnime. Wart lun que lun laume ne perde que Deu rechatat de sa uie.

DE JACTURA METU MORTIS FACTA.

xxxvii. Si quis in periculo maris ad navem exonerandam, metu mortis, alterius res in mare projecerit, si suspectum eum habuerit, juramento se absolvet, quod nulla alia causa nisi metu mortis hoc fecerit. Res autem que remanent ex equo inter omnes dividuntur, secundum catalla singulorum. Quod si aliter actum fuerit, reddet dampnum qui intulit.

NE QUIS EX JUDICIO ALTERIUS PREJUDICIUM
PACIATUR.

xxxviii. Si duo aut plures hereditatem parciantur, et unus, sine altero vel aliis, in jus vocatus, ex insipientia vel alio casu amiserit, non debent parciarii inde dampnum sentire; quia res inter alios judicata aliis non prejudicat; præsertim si presentes non fuerunt.

DE JUDICIIS ET JUDICIBUS.

xxxix. Diligentissime attendant iudices, ut ita judicent proximum, sicut se a Deo paciscuntur judicandos, cum dicunt: ‘Dimitte nobis debita nostra, sicut et nos dimittimus debitoribus nostris.’ Qui vero falsum iudicium fecerit, vel injusticiam foverit, odio, vel amore, vel pecunia, sit in regis forisfacto de xl. solidi, nisi purgare se possit, quod melius judicare nescivit, et insuper libertatem, si habuit, amittat illam, nisi a rege eam redemerit. In Danelahē erit in forisfactura de suo laslīte.

NE QUIS PRO PARVO DELICTO MORTI ADJUDICETUR.

xl. Prohibemus ne pro parvo forisfacto adjudicetur aliquis homo morti. Sed ad plebis castigationem, alta pena, secundum qualitatem et quantitatem delicti, plectatur. Non enim debet pro re parva deleri factura, quam ad ymaginem suam Deus condidit, et sanguinis sui pretio redemit.^a

NE CHRISTIANI EXTRA TERRAM VEL PAGANIS VEN-
DANTUR.

xli. Inhibemus etiam ne quis Christianum in alienam patriam vendat, et maxime infidelibus. Cavendum enim valde est, ne anime in dampnationem vendantur, pro quibus Christus vitam impendit.

^a [To this chapter there is no corresponding French text.—T.]

XLII. E qui dreite lei e dreite iugement refuserad, seit forfait envers celi, qui dreit co est a auer. Si co est enuers li rei, vi. liuers; si co est enuers cunte, xl. solz; si co est en hundred, xxx. solz; e enuers touz icous ki curt unt en Engleterre, co est *en solz Engleis. E en Dene lae, qui dreit iugement refuserad, seit en la mercie de sa laxlite.

* xxx.?

XLIII. E ne face lun plainte a rei dici que lun li seit defaili el hundred ou el conte.

XLIV. Ne prenge hum nam nul en conte ne defors dici, quil eit tres foiz demande dreit el hundred u el conte. E sil a la terce fiee ne pot dreit auer, alt a conte, e le conte len asete le quart iurn, e se cil i defait de ki il se claime, dunt prenge conge que il pusse nam prendre pur le son *luin e pres.

XLV. Ne nul achat le uailiant de iiii. deñ, ne mort ne uif, sanz testimoine ad iiii. hommes u de burg u de uile: e *le hom le chalange, e il nen ait testemoine, si nad nul warant, rende lun al hum soun chatel, e le forfait eit, qui auer le deit. E si testimonie ad, si cum nous einz desimes, uoest les treis feiz, e a la quart feiz le dereinet u il le rende.

* si?

XLVI. Nus ne semble pas raisoun que lun face pruuance sur testimonie, ki conussent co que enterce est; e que nul ne prust deuant le terme de vi. meis apres ico que laueir fu emble.

XLVII. E cil qui est redte e testimoniet de deleaute, e le plait treis foiz eschuit, e al quart mustrent li sumenour de se treis defautes; uncore le mande lun, que il plege ^btroue e uiege a

^a [The editions read 'lum epref.—T.']

DE HIIS QUI JUSTUM JUDICIUM REPELLUNT.

XLII. Qui legem equam et justum judicium subire renuit, forisfacturam reddat ei cujus erit juris illam accipere. Si adversus regem, vi. libŕ; si adversus comitem, xl. sol; si in hundredo vel in cujuscumque curia, qui eam ex libertate habere debet, xxx. sol Anglicos. In Danelahē, qui rectum judicium subire contempserit, erit in forisfactura de suo laslite.

NE QUIS REGI CONQUERATUR, NISI EI HUNDREDUS VEL COMITATUS DEFECERIT.

XLIII. Nemo querelam ad regem deferat, nisi ei jus defecerit in hundredo vel in comitatu.

NE QUIS TEMERE NAMIUM CAPIAT.

XLIV. Nullus namium capiat in comitatu vel extra, nisi rectum in hundredo vel comitatu tercio postulaverit. Quod si nec ad terciam postulacionem responsum acceperit, eat ad comitatum, et comitatus ponat ei quartum diem. Quod si nec tunc ei satisfactum fuerit, accipiat licenciam namium capiendi pro suo, et prope et longe.

NE QUIS ALIQUID SINE TESTIBUS EMAT.

XLV. Nemo emat vel vivum vel mortuum, ad valenciam iiii. denaŕ, sine iiii. testibus, aut de burgo aut de villa campestri. Quod si aliquis rem postmodum calumpniatus fuerit, et nec testes habuerit nec warantum, et rem reddat et forisfacturam, cui de jure competit. Si vero testes habet, videant rem tercio; et, quarta vice, aut rem disracionet aut amittet.

NE PROBACIO FIAT SUPER TESTES.

XLVI. Absonum videtur et juri contrarium, ut probacio fiat super testes qui rem calumpniatam cognoscunt; nec admittatur probacio ante terminum statutum, scilicet vi. mensem ex quo furatum fuit quod calumpniatur.

DE RECTATO QUI VOCATUS NON COMPARET.

XLVII. Si quis malam habens famam et de infidelitate rectatus, tercio vocatus non comparet, quarto die ostendant summonitores tres defaltas, et adhuc summonicionem habeat, ut plegios

dreit. E sil ne uolt, sil ne uist lun uif u mort, si prenge lun quanque il ad, e si rende lun al chalangeur sun chatel, e li sire ait la meite del remenant, e le hundred la meite. E si nul parent nami ceste iustise deforcent, seient forfeit envers li rei de vi. lið e quergent le larun; nen en ki poeste il seit troue, neit warrant de sa uie, ne per defense de plait nait mes recouerer.

XLVIII. Nuls ne receit home ultre iii. nuis, si cil ne li comand od qui il fust ainz: ne nuls ne lait sun hum de li partir, pus que il est rete.

XLIX. E ki larun encontre, e sanz cri a acient li leit aler, si lamend a la uailaunce de larun, u sen espurge per plener lei, que il laroun nel sout.

L. E ki le cri orat e sursera, la sursise [enuers] li rei amend, u sen espurget.

LI. Si est alquons qui blamet seit dedenz le hundred, e iii. humes le retent, si xii. main sespurget.

LII. E chascun seniour eit soun seriant ^aen sun plege; que *il ert? si *nele rete, que ait a dreit el hundred; e si il sen fuist dedenz la chalange, li sire rende sun were. E si lun chalange le seignour, que per li sen seit ale, si sescundie sei vi. main, e sil ne pot, enuers li rei lament, e cil soit utlage.

^a [The editions read *u*, for which Schmid substitutes *en*; Palgrave has *a*.—*T*.]

inveniat et juri pareat. Quod si nec sic copiam sui fecerit, judicetur sive vivus sive mortuus, capiatunque quicquid habet, et redditis calumpniatoribus catallis, residuum dividant inter se ex equo, dominus et hundred. Quod si amicorum aliquis hanc justiciam difforciat, sit in forisfactura vi. librarum versus regem. Queraturque fur, nec habeat quisquam potestatem eum tenendi, vel vitam ei warrantizandi, nec ad placitum ultra recuperare potest.

NE QUIS HOSPITEM ULTRA TRES NOCTES NON
RETINEAT.

XLVIII. Nullus hospitem ultra terciam noctem recipiat, nisi ille cum quo prius fuit hoc ei mandaverit. Nec permittat quis hominem [suum], postquam rectatus est, a se recedere.

NE QUIS FUREM FUGERE PERMITTAT.

XLIX. Si quis latroni obvians, sine clamore eum transire permittit, in forisfactura sit ad valenciam latronis; nisi juramento probaverit quod eum latronem esse nescivit.

DE NON INSEQUENTIBUS CLAMOREM.

L. Qui, clamore audito, insequi supersederit, de sursisa erga regem emendet; nisi se juramento purgare potuerit.

DE CULPATO IN HUNDREDO.

LI. Si quis in hundredo inculpatus fuerit, et a IIII. hominibus rectatus, purget se manu XII.

UT DOMINUS IN FRANCPLEGIO HABEAT SUOS.

LII. Omnes qui servientes habent, eorum sint francplegii; quod si rectati fuerint, ad rectum in hundredo eos habebunt. Quod si infra rectacionem aliquis fugerit, dominus solvat were. Et si calumpnietur quod per eum fugerit, aut purget se manu vi^{ta}, aut erga regem emendet; et is qui fugerit, uthlagetur.

II.

^a ¹ CARTA EJUSDEM R. W. DE APPELLATIS PRO
ALIQUO MALEFICIO, FRANCO VEL ANGLICO.¹

Willelms Dei gratia Rex Anglorum omnibus ad quos scriptum hoc
perveniat salutem et amicitiam. Mando et præcipio per
²totam Angliæ nationem custodiri :

I. Si Anglicus homo compellat aliquem Francigenam per
bellum, de furto, vel homicidio, vel aliqua re pro qua bellum
fieri debeat, vel iudicium inter duos homines, habeat plenam
licenciam hoc faciendi. Et si Anglicus bellum nolit, Franci-
gena compellatus adlegiet se jurejurando contra eum, per testes
suos, secundum legem Normanniæ.

II. Item; si Francigena compellet Anglicum per bellum de
eisdem rebus, Anglicus plena licencia defendat se per bellum,
vel per iudicium, si magis ei placeat. Et si unum sit, i. in-
validus, et nolit bellum, vel non possit, querat sibi legalem
defensorem. Si Francigena victus fuerit, persolvat regi LX. sol.
Et si Anglicus nolit se defendere per bellum, vel per testimo-
nium, adlegiet se per Dei iudicium.

III. De omnibus utlarie rebus rex instituit, ut Anglicus se
purget ad iudicium. Et si Anglicus appellet Francigenam de
utlagaria, et hoc super eum invenire velit, defendat se Franci-
gena per bellum. Et si Anglicus non audeat eum probare per
bellum, defendat se Francigena pleno juramento, non in ver-
borum observanciis.

¹ *Hk. hunc habet titulum:* Institutio Willelmi Regis. Si Anglicus
Francigenam, vel conversio, homicidii, vel furti, vel utlagariæ accu-
saverit.

² tota Angliæ natione *Hk.*

II.

*PILLELOWES EYNINGES ASETNYSSÆ.

Wilhelm cýng ȝnet ealla þa þe þýr ȝeppit to-cýmð ofer eall Engla-land fneondlice. ȝ beot ȝ eac eýð eallum mannum ofer eall Āngel-cýnn to healðenne. þ̅ ȝr.

i. Líf Englȝcman beclýpað ænigne Fræncȝcne mann to ornerȝe for þeorȝe. oþþe for man-ȝlihte. oþþe for æmȝan þingan þe ȝebýrȝe ornerȝe forȝe to beonne. oþþe dóm be-
treox tram mannum. hæbbe he fulle leafe ȝra to ðonne. And ȝif ȝe Englȝca forȝæcð þ̅ ornerȝe. þe Fræncȝca þe ȝe Englȝca beclýpað laðȝe hine mid aðe onȝean hine mid hȝ ȝeritnerȝe. æfter Norðmandȝceȝe laȝe:.

ii. Eft. Líf Fræncȝcman beclýpað Englȝcne man to ornerȝe for þam ýlcan þingan. ȝe Englȝca be fulȝe leafe hine perȝe mid ornerȝe. oþþe mid ȝene. ȝif him þ̅ ȝecpempȝe býð. And ȝif he untȝum býð ȝ nelle þ̅ ornerȝe oþþe ne maȝe-
begȝte him lahhicne ȝpala. And ȝif ȝe Fræncȝca býð oferȝuman. he ȝýȝe þam cýngȝe .iiii. pund. And ȝif ȝe Englȝca nele hine perȝan mid ornerȝe oþþe mid ȝeritnerȝe. he laðȝe hine mid ȝene:.

iii. Et eallan utlaȝa þingȝan ȝe cýngȝe ȝerette. þ̅ ȝe Englȝca laðȝe hine mid ȝene. And ȝif ȝe Englȝca beclýpað Fræncȝcne mid utlaȝan þingȝan ȝ pille hȝ þonne on him ȝeropian. ȝe Fræncȝca beperȝe hine mid ornerȝe. And ȝif ȝe Englȝca ne ðurȝe hine to ornerȝe beclýpian. perȝe hine ȝe Fræncȝca mid unforȝedan aþe:.

^a [The Latin text is from *Sc.*, collated with *Hk.* The Saxon is from *H.—T.*]

III.

^a CARTA REGIS WILLELMI CONQUISITORIS DE
QUIBUSDAM STATUTIS, ETC.

Willelmus rex Anglorum, dux Normannorum, omnibus hominibus suis, Francis et Anglis, salutem.

DE RELIGIONE ET PACE PUBLICA.

I. Statuimus imprimis super omnia, unum Deum per totum regnum nostrum venerari, unam fidem Christi semper inviolatam custodiri, pacem, et securitatem, et concordiam, iudicium, et justiciam inter Anglos et Normannos, Francos et Britones Wallie et Cornubie, Pictos et Scotos Albanie, similiter inter Francos et insulanos, provincias et patrias, que pertinent ad coronam et dignitatem, defensionem et observacionem, et honorem regni nostri, et inter omnes nobis subjectos per universam monarchiam regni Britannie firmiter et inviolabiliter observari; ita quod nullus alii forisfaciat in ullo, super forisfacturam nostram plenam.

DE FIDE ET OBSEQUIO ERGA REGEM.

II. Statuimus eciam, ut omnes liberi homines federe et sacramento affirment, quod intra et extra universum regnum Anglie (quod olim vocabatur regnum Britannie) Willelmo regi, domino suo, fideles esse volunt, terras et honores illius omni fidelitate ubique servare cum eo, et contra inimicos et alienigenas defendere.

DE NORMANNI SEU FRANCIGENÆ CEDE.

III. Volumus autem et firmiter precipimus, ut omnes homines, quos nobiscum adduximus, aut post nos venerint, sint sub protectione et in pace nostra, per universum regnum predictum. Et si quis de illis occisus fuerit, dominus ejus habeat intra quinque dies homicidam ejus, si poterit, sin autem, incipiat persol-

^a [The text is from *Sc.* The division into chapters and the rubrics we owe to Selden.—*T.*]

vere nobis XLVI. marcas argenti, quamdiu substantia domini illius perduraverit. Ubi vero substantia domini defecerit, totus hundredus in quo occisio facta est communiter solvat quod remanet.

DE JURE NORMANNORUM QUI ANTE ADVENTUM GUILIELMI CIVES FUERANT ANGLICANI.

iv. Et omnis Francigena qui tempore Eadwardi propinqui nostri fuit in Anglia particeps consuetudinum Anglorum, quod ipsi dicunt an hlote et an scote, persolvat secundum legem Anglorum.

DE CLIENTELARI SEU FEUDORUM JURE, ET INGENUORUM IMMUNITATE.

v. Volumus eciam, ac firmiter precipimus et concedimus, ut omnes liberi homines tocius monarchie regni nostri predicti habeant et teneant terras suas et possessiones suas bene et in pace, libere ab omni exactione injusta, et ab omni tallagio, ita quod nichil ab eis exigatur vel capiatur, nisi servicium suum liberum, quod de jure nobis facere debent, et facere tenentur; et prout statutum est eis, et illis a nobis datum et concessum jure hereditario in perpetuum, per commune consilium tocius regni nostri predicti.

DE NOCTURNIS CUSTODIIS.

vi. Statuimus eciam et firmiter precipimus, ut omnes civitates, et burgi, et castella, et hundreda, et wapentachia tocius regni nostri predicti singulis noctibus vigilantur et custodianur in girum, pro maleficis et inimicis, prout vicecomites, et aldermanni, et prepositi, et ceteri ballivi, et ministri nostri melius per commune consilium ad utilitatem regni providebunt.

DE MENSURIS ET PONDERIBUS.

vii. Et quod habeant per universum regnum mensuras fidelissimas et signatas, et pondera fidelissima et signata, sicut boni predecessores statuerunt.

DE CLIENTUM SEU VASSALORUM PRESTATIONIBUS.

viii. Statuimus eciam et firmiter precipimus, ut omnes comites, et barones, et milites, et servientes, et universi liberi

homines tocius regni nostri predicti habeant et teneant se semper bene in armis et in equis, ut decet et oportet, et quod sint semper prompti et bene parati ad servicium suum integrum nobis explendum et peragendum, cum semper opus adfuerit, secundum quod nobis debent de feodis et tenementis suis de jure facere, et sicut illis statuimus per commune consilium tocius regni nostri predicti, et illis dedimus et concessimus in feodo jure hereditario. Hoc preceptum non sit violatum ullo modo, super forisfacturam nostram plenam.

UT JURA REGIA ILLÆSA SERVARE PRO VIRIBUS CONENTUR SUBDITI.

ix. Statuimus eciam et firmiter precipimus, ut omnes liberi homines tocius regni nostri predicti sint fratres conjurati ad monarchiam nostram, et ad regnum nostrum, pro viribus suis et facultatibus, contra inimicos pro posse suo defendendum et viriliter servandum, et pacem, et dignitatem corone nostre integram observandam, et ad iudicium rectum, et justiciam constanter omnibus modis pro posse suo, sine dolo et sine dilacione faciendam. Hoc decretum sancitum est in civitate Londoñ.

NE VENDITIO ET EMPTIO FIAT, NISI CORAM TESTI- BUS, ET IN CIVITATIBUS.

x. Interdicimus eciam ut nulla viva pecunia vendatur aut ematur, nisi intra civitates, et hoc ante tres fideles testes; nec *aliquam rem vetitam, sine fidejussore et waranto. Quod si †aliter fecerit, solvat, et persolvat, et postea forisfacturam.

* *l.* aliqua res
vetita.
† quis *add.* ?

DE EMPORIIS, ET JURE URBIUM PAGORUMQUE NOTÆ MELIORIS.

xi. Item nullum mercatum vel forum sit, nec fieri permittatur, nisi in civitatibus regni nostri, et in burgis [clausis] et muro vallatis, et in castellis, et in locis tutissimis, ubi consuetudines regni nostri, et jus nostrum commune, et dignitates corone nostre, que constitute sunt a bonis predecessoribus nostris deperire non possint, nec defraudari, nec violari, sed omnia rite, et in aperto, et per iudicium et justiciam fieri debent. Et ideo castella, et burgi, et civitates site sunt, et fundate, et edificate,

scilicet, ad tuicionem gencium et populorum regni, et ad defensionem regni, et idcirco observari debent cum omni libertate, et integritate, et racione.

DE PURGATIONE FORENSI IN JUDICIIS PUBLICIS.

xii. Decretum est eciam ibi, ut si Francigena appellaverit Anglum de perjurio aut murthero, furto aut homicidio, ran, quod dicunt apertam rapinam, que negari non potest; Anglus se defendat per quod melius voluerit, aut iudicio ferri, aut duello. Si autem Anglus infirmus fuerit, inveniat alium qui pro eo faciat. Si quis eorum victus fuerit, emendet regi xl. solidos. Si autem Anglus Francigenam appellaverit, et probare voluerit, iudicio aut duello, volo tunc Francigenam purgare se sacramento non fracto.

FIRMANTUR LEGES EADWARDI REGIS.

xiii. Hoc quoque precipimus, ut omnes habeant et teneant leges Eadwardi regis in omnibus rebus, adauctis hiis quas constituimus ad utilitatem Anglorum.

DE JUSTITIÆ PUBLICÆ FIDEJUSSORIBUS.

xiv. Omnis homo qui voluerit se teneri pro libero sit in plegio, ut plegius eum habeat ad justiciam si quid offenderit. Et quisquam evaserit talium, videant plegii ut solvant quod calumpniatum est, et purgent se, quia in evaso nullam fraudem noverint. Requiritur hundredus et comitatus (sicut antecessores statuerunt); et qui juste venire debent et noluerint, sumoneantur semel; et si secundo non venerint, accipiat unus bos; et si tercio, alius bos; et si quarto, reddatur de rebus hujus hominis quod calumpniatum est, quod dicitur ceapgēld, et insuper regis forisfactura.

DE SERVIS, ET EORUM MANUMISSIONE.

xv. Et prohibemus ut nullus vendat hominem extra patriam. Si qui vero velit servum suum liberum facere, tradat eum vicecomiti per manum dextram in pleno comitatu, quietum illum clamare debet a iugo servitutis sue per manumissionem, et ostendat ei liberas vias, et portas, et tradat illi libera arma, scilicet, lanceam, et gladium; deinde liber homo efficitur.

^a DE SERVIS.

* del? xvi. Item si servi permanserint sine calumpnia per annum et diem in civitatibus nostris, vel in burgis * vel muro vallatis, vel in castris nostris, a die illa liberi efficiantur, et liberi a iugo servitutis sue sint in perpetuum.

DE SUPPLICIORUM MODO.

xvii. Interdicimus eciam ne quis occidatur vel suspendatur pro aliqua culpa, sed ¹enerventur oculi, et abscindantur pedes, vel testiculi, vel manus, ita quod truncus remaneat vivus, in signum prodicionis et nequicie sue: secundum enim quantitatem delicti debet pena maleficis infligi. Ista precepta non sint violata super forisfacturam nostram plenam. Testibus, etc.

¹ eruantur *Hov. et exempl. alt.*

^a Capitulum hoc et in Hov. et in altero hujus chartæ exemplari deest.

IV.

^a CARTA WILLELMI.

¹W. gracia Dei Rex Anglorum R. Bainardo et G. de Magnavilla, et P. de Valoines, ceterisque meis fidelibus de Essex et de Hertfordschire et de Middelsex, salutem. Sciatis vos omnes, et ceteri mei fideles qui in Anglia manent, quod episcopales leges, que non bene, nec secundum sanctorum canonum precepta, usque ad mea tempora in regno Anglorum fuerunt, communi concilio et consilio archiepiscoporum ²et episcoporum et abbatum, et omnium principum regni mei, emendandas judicavi. Propterea mando, et regia auctoritate precipio, ut nullus episcopus vel archidiaconus de legibus episcopalibus amplius in hundret placita teneant, nec causam que ad regimen animarum pertinet ad iudicium secularium hominum adducant; sed quicumque, secundum episcopales leges, de quacumque causa vel culpa interpellatus fuerit, ad locum quem ad hoc episcopus elegerit vel nominaverit veniat, ibique de causa vel culpa sua respondeat, et non secundum hundret, sed secundum canones et episcopales leges, rectum Deo et episcopo suo faciat. Si vero aliquis per superbiam elatus ad iusticiam episcopalem venire contempserit vel noluerit, vocetur semel, secundo, et tercio; quod si nec sic ad emendacionem venerit, excommunicetur; et si opus fuerit ad hoc vindicandum, fortitudo et iusticia regis vel vicecomitis adhibeatur. Ille autem qui vocatus ad iusticiam episcopi venire noluerit, pro unaquaque vocacione legem episcopalem

¹W. gracia Dei Rex Anglie comitibus, vicecomitibus, et omnibus Francigenis et Anglis, qui in episcopatu Remegii episcopi terras habent, salutem. ²meorum et ceterorum episcoporum

^a Textus est ex 'Libro piloso' ut vocatur, penes Dec. et Capit. Eccl. Cath. S. Pauli London. Lectt. var. sunt ex altero ejusdem chartæ exemplari in registro Lincoln. (Remig. fol. 9.) adservato.

emendabit. Hoc eciam defendo et mea auctoritate interdico, ne ullus vicecomes aut prepositus seu minister regis, nec aliquis laicus homo, de legibus que ad episcopum pertinent se intromittat, nec aliquis laicus homo alium hominem sine iusticia episcopi ad iudicium adducat. Iudicium vero in nullo loco portetur, nisi in episcopali sede, aut in illo loco quem ad hoc episcopus constituerit.

LEGES REGIS HENRICI PRIMI.

DE LIBERTATE ECCLESIE ET TOCIUS ANGLIE OBSERVANDA.

LEGES HENRICI PRIMI, FILII CONQUESTORIS.

Hec sunt denique beata pacis ac libertatis exoptata gaudia, quibus toti regno suo gloriosus Cesar Henricus in divinis legibus et secularibus institutis, scriptis et bonorum operum exhibicionibus, irradiat moderatus, justus, fortis, prudens, quem Deus felicibus auspiciis et salutari quavis corporis et anime prosperitate, cum conjugē sua inclita Matilde Secunda et eorum liberis, longis seculorum seculis, et eterna pace gentis nostre, faciat imperare.

^aI. EPISTOLA EJUSDEM OMNIBUS FIDELIBUS SUIS.

^bHenricus ^cDei gracia Rex Anglorum, omnibus baronibus

^a Charta hæc Henrici Primi in pluribus extat exemplaribus, quorum omnium est antiquissimum, quod in textu, ut vocatur, Roffensi invenitur, ubi illa sic orditur, ‘Anno Incarnacionis Dominice, mci. Henricus, filius Willelmi regis, post obitum fratris sui Willelmi, Dei gracia Rex Anglorum, omnibus fidelibus salutem:’ et ita desinit, ‘Testibus M. Lundonie episcopo, et Gundulfo episcopo, et Willelmo electo episcopo, et Henrico comite, et Sim̃ comite, et Waltero Giffardo, et Rodberto de Monfort, et Rogero Bigoto, et Henrico de Portu; apud Londoniam, quando fui coronatus.’ Quod tamen factum narrant historici anno mc. quinto die mensis Augusti. Vide Florent. Wigorn. et Roger. Hoveden.

^b Nota lector, quod in Codice Rubro Scaccharii, duo reperiuntur hujus chartæ exemplaria, quorum alterum his legibus præfixum est (quod tibi hic fideliter exhibemus), alterum alio ejusdem libri loco relatum cum hac inscriptione, ‘Henricus rex Anglorum Samsoni episcopo, et Ursoni de Abetot, et omnibus baronibus et fidelibus suis, tam Francigenis quam Angligenis de Wirecestrescira salutem. Sciatis,’ &c. Discrepantes posterioris lectiones textui nostro subjecimus: quicquid autem hujusmodi signis [] inclusum reperies, id omne noveris in illo exemplari deesse: hæc etiam charta habetur apud Matthæum Paris, annis mc. et mccxiii.

^c Omisit nonnunquam titulo suo voces hasce ‘Dei gracia,’ et simpliciter tantum scripsit ‘Henricus Rex Anglorum,’ aut ‘Rex Angliæ,’

et fidelibus suis, ^aFrancis et Anglis, salutem. § 1. Sciatis me Dei misericordia et communi consilio ^b[et assensu] baronum ¹regni Anglie ejusdem regni regem coronatum esse, et quia regnum oppressum erat injustis exaccionibus, ego Dei respectu et amore quem erga ²vos [omnes] habeo, ³sanctam Dei ecclesiam, inprimis, liberam facio, ita quod nec vendam, nec ad firmam ponam, nec, mortuo archiepiscopo, ³sive episcopo, ⁴vel abbate, aliquid accipiam de ⁵dominio ecclesie, vel hominibus ejus, donec successor in eam ingreditur. Et omnes malas

¹ totius *H. add.* ² illos et *K. add.* ³ seu *Sc.* ⁴ sive *H. Sc. 2.*
⁵ dominico *K.*

ut et idipsum ab Henrico Secundo factum observat Ed. Cocius Instit. par. 1. fol. 7. Veruntamen neque in sigillo, neque chartis Henrici Secundi illud mihi adhuc videre licuit. Ampliorem, recte, ni fallor, primus omnium reddidit titulum, additis hisce voculis ‘Dux Normanniæ et Aquitaniæ.’ Cæterum notatio illa ‘Dei gracia’ non erat regibus tantum peculiaris, sed communis etiam tum archiepiscopis, episcopis, ducibus, comitibus, abbatibus et aliis, qua de re videatur erudit. Spelman. Glossar. verbis ‘Dei gratia.’ Clar. Seld. Tit. Honor. par. 1. cap. 7. § 2. Roverii Illustrat. Histor. Monaster. S. Joh. Reomaënsis, pag. lxxviii. num. clxxviii.

^a Primi post subactam Angliam reges nostri, sive quod ex Gallia oriundi essent, sive quod ampliarum illic possessionum existerent domini, quamvis magnam vitæ suæ partem in Anglia transigerent, Francis tamen magis studuerunt placere, forsitan ne si aliter fecissent, prouiores eos ad res novandas reddidissent; unde et hoc manabat, quod seipsos non solum Gallorum patronos profitebantur, sed et in omnibus eos Anglis præferebant, uti videre est in sigillo et in legibus Willielmi Primi II. 2. et harum, filii ejus, legum, cap. 92. de quo vide Eadmer. Histor. Novor. pag. 94. et Ingulfi Histor. Croyland. fol. 512 b. Et recte non observavi unquam, ducem aliquem aut inferioris potentiae virum adeptum fuisse ullibi principatum majorem, quin simultates inde inter nationes fuerint subortæ, quæ non nisi lapsu temporis, ac ipsorum principum prudentia, rursus fuerunt extinctæ. Qua autem ratione huic malo a Ferdinando exquisiti judicii principe (‘re di excellentissimo consiglio,’ Guicciard. l. 12.) et Isabella potentioris territorii regina, obviam itum sit, præposito Isabellæ uxori in instrumentis omnibus regis nomine, ut maritalis ei honor conservaretur, atque interim ut Castellæ dignitas non minueretur, hujus regni insignia Arragoniæ præfigendo, narrat, si bene memini, Marian. Histor. edit. Madrid. Hisp. anno 1612. Plura hac de re observata vide apud Clement. Reyner. Apostolat. Benedictin. in Anglia, in append. par. ii. pag. lxii. ubi iste loquendi modus occurrit, et Rob. Holkat. a clar. Seldeno citat. Notis ad Fortescut. de Laud. Legg. Angliæ, cap. 48.

^b Inter lineas insertum est, et deest in secundo exemplari, uti apud Matth. Paris. tam anno 1100 quam 1213.

consuetudines, quibus regnum Anglie ¹opprimebatur, ²inde aufero, quas malas consuetudines ex parte ³suppono.

§ 2. ⁴Si quis baronum meorum, comitum, sive aliorum qui de me tenent, mortuus fuerit, heres suus non redimet terram suam sicut faciebat tempore ⁵fratris mei, sed ¹¹legitima et iusta relevacione relevabit eam. Similiter et homines baronum meorum legitima et ⁶iusta relevacione relevabunt terras suas de dominis suis. ⁷§ 3. ¹¹¹Et si quis ⁸baronum vel hominum meorum⁷ filiam suam ⁹nubitum tradere voluerit, sive sororem, sive neptem, sive cognatam, mecum inde loquatur. Sed neque ego aliquid de suo pro hac licencia accipiam, neque ei defendam quin eam det, excepto si eam jungere vellet inimico meo. Et si, mortuo barone vel alio homine meo, filia heres remanserit, illam dabo consilio baronum meorum cum terra sua. ¹⁴Et si, mortuo ¹⁰marito, uxor ejus remanserit, et sine liberis fuerit, dotem ¹¹et ^amaritacionem suam habebit¹², et eam non dabo marito, nisi secundum velle suum. ¹³§ 4. Si vero uxor cum liberis remanserit, dotem quidem et maritacionem suam habebit, dum¹⁴ corpus suum legitime ¹⁵servabit, et eam non dabo, nisi secundum velle suum; ^vet terre et liberorum custos erit sive uxor sive alius ¹⁶propinquorum, qui justus esse debebit: et precipio, ut barones mei similiter se contineant erga filios vel filias vel uxores hominum suorum. § 5. Mone-tagium commune, quod capiebatur per civitates et per comitatus, quod non fuit tempore Edwardi regis, hoc ne amodo fiat omnino ^bdefendo. Si quis captus fuerit, sive monetarius sive

¹ injuste *Sc. 2. add.* ² *Sc. 2. add.* ³ hic pono *Sc. 2.* hic suppono *K.*
⁴ (*rubr.*) De releviis dandis. *Sc. 2.* ⁵ fratris *M. P.* ⁶ certa *Sc. 2.*
⁷ (*rubr.*) De mulieribus maritandis. *Sc. 2.* ⁸ baronum meorum vel aliorum hominum *H. Sc. 2.* ⁹ nuptum *H. Sc. 2.* ¹⁰ viro *H.* ¹¹ suam *H.* ¹² dum corpus suum legitime servabit *M. P. add.* ¹³ (*rubr.*) De custode terre et heredis mortuo tenente *B. Sc. 2.* ¹⁴ uxor *Sc. add.* ¹⁵ servaverit *H. Sc. 2.* ¹⁶ propinquarius *H.*

^a Alias 'maritagium': sic supra 'relevacio' pro quo jam 'relevium.' Vide clar. Seld. Jan. Anglorum. pag. lxxx. § xxi.

^b 'Defendo'; i. e. prohibeo, ad modum Gallici idiomatis. Order. Vital. Histor. Eccles. l. vi. p. 629. 'quapropter huc ad vos ex regis imperio missus interdicto, ne illum in vestro collegio audeatis suscipere. Nos autem audita regis defensione timentes,' &c., id est, 'audito regis interdicto.' Sic Leg. Edo. Confess. cap. xxxvii. pag. 461. 'Usurarios eciam defendit Edwardus,' id est 'prohibet,' hæc autem prohibitio facta videtur ad imitationem legum Willielmi I.

alius, cum falsa ^amoneta, justicia recta inde fiat. § 6. Omnia placita, et omnia debita, que fratri meo debebantur, condono, exceptis rectis firmis meis, et exceptis illis que pacta erant pro aliorum hereditatibus¹, vel pro eis rebus que justius aliis contingebant. Et si quis aliquid pro hereditate sua ²pepigerat, illud condono, et omnes relevaciones que pro rectis ³hereditatibus pakte erant. § 7. Et si quis baronum vel hominum meorum infirmabitur, ^bsicut ipse dabit, vel dare disponet pecuniam suam, ita datam esse concedo. Quod si ipse preventus, vel armis vel infirmitate, pecuniam suam non dederit nec dare disposuerit, uxor sua, sive liberi, aut parentes, aut legitimi homines ejus, ⁴eam pro anima ejus dividant, sicut eis melius ⁵visum fuerit. § 8. Si quis ^cbaronum vel hominum meorum forisfecerit, non dabit vadium in ^{vi}misericordia [tocius] pecunie sue, sicut faciebat tempore patris mei ⁶[et fratris mei]; sed, secundum modum forisfacti, ita ^demendabit sicut emendasset retro a tempore patris mei et fratris mei, in tempore aliorum antecessorum meorum. Quod si perfidie vel sceleris convictus fuerit, sicut justum erit, sic emendet.

II. DE CONFIRMACIONE LEGUM EDWARDI REGIS.

§ 1. ^{vii}Murdra eciam, retro ab illa die quo in regem coronatus fui, omnia condono; et ea que amodo facta fuerint juste

¹ et heredibus *K. add.* ² aliquid *H. add.* ³ hereditacionibus *Sc. 2.*
⁴ *Sc. 2. add.* ⁵ eis *Sc. 2. add.* ⁶ vel *Sc. 2.*

^a De legislatoris nostri in monetæ adulteratores gravi animadversione videantur Seld. Jan. Angl. l. ii. pag. lxxxiii. § xxxi. et Eadmer. l. iv. p. xciv.

^b Hic iterum fas sit lectorem remittere ad comment. clar. Seld. Jan. Angl. l. 2. p. 80. § 24; sequitur linea, tertia et quarta sequi. 'sicut eis melius visum fuerit.' Quomodo autem et quatenus posterior ætas ab hoc recesserit instituto, vide (præter ab eodem autore ubi supra tradita, et Tit. Honor. edit. 2. par. 2. cap. i. § 21. pag. 714.) Tractatum clar. Somneri de Gavelkind. c. 3.

^c 'Baronum vel hominum meorum' desunt in textu Roffensi per Ernulphum illius ævi episcopum descripto, quærendum tamen annon male.

^d Magna Charta cap. 14. 'amercietur secundum modum et magnitudinem delicti.' Quænam autem sit differentia inter 'amerciamentum' et 'redemptionem' illam, de qua agit statutum de Marlebridge anno 52 Henr. III. cap. 1, 3, 4, jurisperitis discutiendum relinquo. Vide Glanvill. l. 9. c. 11. Spelm. Glossar. verbo 'Contenementum.' Cowelli Interpret. verbo 'Countenance;' et Dom. Edw. Coci Instit. part. 1. sect. cxciv.

emendentur, secundum lagam regis ^a Edwardi. § 2. Forestas communi consensu baronum meorum in manu mea ¹ sic retinui' sicut pater meus eas habuit. § 3. ^{viii} Militibus, qui per loricas terras suas ^b deserviunt, terras dominicarum carucarum [suarum] quietas ab omnibus gildis et ab omni opere [proprio] dono meo concedo, [³ ut sicut benignitas mea propensior est in eis, ita michi fideles sint;'] et sicut tam magno gravamine allevati sunt, ita equis et arma se bene instruant, ut apti et parati sint ad ^c servitium meum, et ad defensionem regni mei. § 4. ^{ix} ⁴ Lagam Edwardi regis vobis reddo cum illis emendacionibus quibus eam emendavit pater meus, ^d consilio baronum suorum.' § 5. Si quis aliquid de meo, vel de rebus alicujus, post obitum Willelmi fratris mei ceperit, totum cito ⁵ reddat absque emendacione.' Et si quis inde

¹ ita tenui *Sc. 2.* ² defendunt *H. et M. P.* ³ in *H. quoque desunt.*
⁴ Pacem firmam in toto regno meo pono, et teneri amodo precipio — pater meus eam emendavit cum consilio *Sc. 2. et K.* ⁵ sine emendacione reddatur *H. Sc. 2. et K.*

^a Leges, ni fallor, Edwardi Confessoris 15 et 16, 'De mурdro' et 'De invencionе mурdri' inscriptas intelligit legislator, quas vide. 'Murdrum' autem hic intelligitur, opinor, uti etiam Legg. Edw. 91, 92. pœna homicidio imposita, non ipsum homicidium. Cœterum quid sit murdrum Dialogus de Scaccario, l. 1. c. 10. explicat his verbis: 'Murdrum proprie dicitur, mors alicujus occulta, cujus interfectoꝝ ignoratur; murdrum enim idem est quod absconditum vel occultum.' Vide infra, c. 92.

^b Pro 'deserviunt' 'defendunt' Text. Roffens. et Matth. Paris. ac forte magis congrue. Loricæ siquidem servitii genus est hujusmodi militum, quo dominis suis in militiam proficiscentibus deserviunt, cujus quidem servitii præstatione terras suas erga eosdem dominos defendunt, et sibimet salvas et securas reddunt. Nihil tamen hic statuo, præsertim cum 'per plena arma feudum suum deservire' forma sit loquendi in veteri Normanniæ Custumario usurpata cap. 85. qua servitium intelligo, sive conditionem, sub qua ejuscemodî vasallus terram suam possidet, domino scil. deservienti lorica.

^c Simile ut videtur obtinuit in Normanniâ, dum coronæ regis Angliæ annexa: in ejus enim loci Custumario Latino cap. 5. (quod in Gallico desideratur) haud procul a fine sic legimus: 'Ex prædictis patet, quod non immerito Anglorum temporibus solet in Normanniâ usitari, quod omnes feudum loricæ possidentes, equum et arma habere tenebantur, et cum ad ætatem 30 annorum devenissent, tenebantur in militibus promoveri, ut prompti et apparati ad mandatum principis et hominum suorum invenirentur.'

^d In concilio forte Wintoniæ celebrato anno Domini 1070, regni vero ipsius quarto, de quo vide clar. Seld. Titul. Honor. edit. 2. par. 2. cap. 5. § 20. in princ., et Florileg. in eodem anno. Item Order. Vital. Histor. Eccles. l. 4. p. 516, ubi concilium istud celebratum refert Windesoris.

aliquid retinuerit, ille super quem inventum fuerit michi graviter emendabit. ^aTestibus archiepiscopis, episcopis, baronibus, comitibus, vicecomitibus, et optimatibus tocius regni Anglie; apud Westm̃, quando coronatus fui.

^x. CARTA CIVIBUS LONDOÑ.

^b Henricus Dei gracia Rex Anglie, archiepiscopo Cantuarie, et episcopis, et abbatibus, et comitibus, et baronibus, et justiciariis, et vicecomitibus, et omnibus fidelibus suis, Francis et Anglicis, tocius Anglie, salutem. Sciatis me concessisse civibus meis Londoñ tenend̃ Middlesex ad firmam pro ccc. lib̃r, ad compotum ipsis et heredibus suis, de me et heredibus meis, ita quod ipsi cives ponent vicecomitem qualem voluerint de se-ipsis, ¹et justiciarium qualem voluerint de seipsis, ad custodiendum placita corone mee et eadem placitanda; et nullus alius erit justiciarius super ipsos homines Londoñ. Et cives non placitabunt extra muros civitatis pro ullo placito; et sint quieti de schot et ²de loth, de danegildo, et de murdre, et nullus eorum faciat bellum. Et si quis civium de placitis corone implacitatus fuerit, per sacramentum, quod judicatum fuerit in civitate, se disracionet homo Londoñ. Et infra muros civitatis nullus hospitetur, neque de mea familia neque de alia, ³nisi alicui hospicium liberetur. Et omnes homines Londoñ sint quieti et liberi, et omnes res eorum, et per totam Angliam et per portus maris, de theolonio, et passagio, et lestagio, et omnibus aliis consuetudinibus. Et ecclesie, et barones, et cives, teneant et habeant bene et in pace socnas suas cum omnibus consuetudinibus, ita quod hospites, qui in soccis suis hospitantur, ⁴nulli dent consuetudines suas, nisi illi cujus socca fuerit, vel ministro suo quem ibi posuerit. Et homo

¹ in ms. Lond. desunt. ² Ry. add. ³ ms. Lond. vi H. ⁴ neque Sc. nulli Ry.

^a Posterior charta Scaccarii (*Sc.* 2.) sic concluditur: 'Teste Mauricio Lond. episcopo, et Willelmo electo Wintoñ episcopo, et Gerardo Hereford̃ episcopo, et Henrico comite, et Simone comite, et Waltero Gifardo, [et Abbe Crispino K.] et Roberto de Munford, et Rogero Bigodo, et Eudone Dapifero, et Roberto fil̃ Hamonis, et Roberto Malet, apud Westmonasterium quando coronatus fui. Valete.'

^b In tertio ms. hujus cartæ exemplari, quod videtur fuisse archiepiscopi aut monachorum Cantuar., hoc adjectum inveni, fol. 2. a. b. Deest in mss. Scaccar. usque ad cap. 3, sed habetur in ms. in archivis Londoñ apud Guildhall.

Londoniarum non iudicetur in misericordia pecunie, nisi ¹in sa^r were, scilicet, ad c. solidū: dico de placito quod ad pecuniam pertineat. Et amplius non sit miskenninga in hustenge, neque in folkesmote, neque in aliis placitis infra civitatem. Et husting sedeat semel in ebdomada, videlicet, die Lune. Et terras suas, et ²wardemotum, et debita civibus meis, habere faciam infra civitatem et extra. Et de terris, de quibus ad me clamaverint, rectum eis tenebo lege civitatis. Et si quis thelonium vel consuetudinem a civibus Londoñ ceperit, cives Londoñ capiant de burgo vel de villa, ubi thelonium vel consuetudo capta fuit, quantum homo Londoñ pro thelonio dedit, et proinde de dampno ceperit. Et omnes debitores, qui civibus debita debent, eis reddant³, vel in Londoñ se disracionent quod non debent. Quod si reddere noluerint, neque⁴ ad disracionandum venire, tunc cives quibus debita sua debent capiant ⁵in civitatem namia sua, ⁶vel de comitatu in quo manet qui debitum debet. Et cives habeant fugaciones suas ad fugandum, sicut melius et plenius habuerunt antecessores eorum, scilicet, ⁷Siltre et Middlesex et Sureie. Testibus episcopo Wintoñ, Rob⁸ fil⁹ Richer. et Huḡ Bigot, et ¹⁰Alū de Toneis, et Wiffo ¹¹Albini, et Huberto Regis Camerañ, et Wiffo de Montfichet, et ¹²Hagulfo de Tani, et Joh¹³ Belet, et Rob. fil. ¹⁴Siwa. Dat¹⁵ apud Westm.

¹a sa ms. *Lond.* ad suam *Ry.* ² vadimonia *Ry.* ³ in Londonia *Ry. add.* ⁴ quod non debent *Ry. add.* ⁵ de burgo vel villa *Ry. add.* ⁶ in Chiltre *Ry.* ⁷ Alnero de Toteneis *Ry.* ⁸ de Alba Spina *Ry.* ⁹ Haugulfo *Ry.* ¹⁰ Siwardi *Ry.*

^a 'Intra civitatem' lego, juxta chartam Henrici regis III. dat. 16 Martii, anno regni sui 11, eisdem civibus factam. Vid. Dom. Ed. Coci Institut. par. 4. pag. 252. 'Et si aliquis' (inquit rex) 'in aliqua terrarum nostrarum, citra mare vel ultra, thelonium, vel aliquam aliam consuetudinem, ab hominibus Londoñ ceperit, postquam ipse a recto defecerit, vic. Londoñ namium inde apud London capiant.' Consimilem ostendunt chartam cives Cantuariæ ab Henrico II. iis factam, et a nepote ipsius Henrico III. confirmatam, totidem fere verbis conceptam. Namium autem quid sit, docebitur in Glossario ad finem operis. Hæc interim 'withernamium' sapiunt, quod exteris 'repressalia,' de qua voce pluribus clar. Vossius de Vitiis Sermon. Vide etiam Smithi nostri Tractat. de Republ. Anglic. a Buddeno Latine redditum, lib. 3. c. 10.

^b Pro 'Siltre' lege 'Ciltre,' regiunculæ nomen non procul a S. Albano, de qua videsis D. Watsii Glossar. Matth. Paris. additum in voce.

III. ¹¹DE CAUSARUM PERTRACCIONE ET DISTINC- CIONE ¹VEL DESCRIPCIONE.

Omnes cause vera ²consilii ratione discuciende⁷ sunt a iudicibus, et, sine personarum acceptacione, cum equalitate discernende, vel, si facultas admiserit, potius pace honestande: et licet sanum ubique consilium in sue majestatis luce viguerit, pro modo tamen concertancium informari lepida moralitate non nocuit; et consilium forsitan dici poterit, quicquid honestum et utile propositum ^{*}quoque modo promoverit.

^{*} quoquo ?

IV. ^aDE CAUSARUM LIBERACIONE.

Genera causarum tria sunt: deliberativum, de faciendo et non faciendo: demonstrativum, de laude et vituperio; iudiciale, de pena vel merito. ³Ut rationales et legales, partes quatuor: exordium provocans; narratio explicans; argumentum asserens; conclusio compellens. Species v.: honestum, commendatorium vel persuasorium; admirabile, alienatum; humile, neglectum; anceps, dubium vel promiscuum; obscurum, difficile vel tardum in lege scripta, in moribus vel communi usu pro lege suscepto. Omne autem jus aut naturale cognatorum est, aut morale extraneorum, aut legale civium. Set sive lex agenda precipiat, levia permittat, hortatur maxima, vitanda prohibeat, debet esse manifesta, justa, honesta, possibilis; in omni condicione, professione et ordine, in omni genere et statu causarum, in omni controversia simplici vel composita, in omni jure naturali vel consuetudinis, in omni contingenti vel remoto loco, ⁴tempori proprio conveniens, nullo privato commodo precipue deserviens, veritatis et justicie, non miserum pecunie ⁵querens ^baugmentum.

¹¹ in *ms. Lond. deest.* ²consimili ratione discernende *ms. Lond.*

³ Status causarum duo sunt, rationabilis et legalis *ms. Lond. et K.*

⁴ persone *ms. Lond. et K.* ⁵ querentis *K.*

^a Titulum in impressis codicibus ('De carcerali liberatione') cum sit a capituli contentis omnino alienus, rejiciendum censeo; dubito autem an pro eo legi possit 'De generali causarum ratione;' hic enim agitur de causarum generibus, et in cap. sequenti 'De causarum proprietatibus.' His ita conjectura scriptis, aliud tandem vidi harum legum exemplar (*ms. Lond.*), in quo titulus huic capiti præfixus sic se habet: 'De generibus causarum.' Sensus autem capituli difficiliter intelligitur, ob vitiosam in nonnullis locis distinctionem.

^b 'Augmentum' pro 'argumentum' in impressis. *ms. Lond.* legit 'augmentum.'

Purum vero sit, et perspicua brevitate decorum perorantis ^aeloquium, invencione, disposicione, elocucione, memoria, pronunciacione, persuasione naturali, ingenio, doctrina sciencie, et assiduo usu peritum in omni ^bdicendi genere, qui magna salutari gravitate peroret, ¹parva subtili lenitate deducat, media temperata moderacione delectet; nec longioribus yperbatis sensum confundat, nec verbis inanibus ambages interserat, qui *directa locucione fatigatur, congrua* ²schematum junctura reficiat. Et si quid in dicendis aptum est et validum, finis senciatur, et principium; reliquum, ³si dissimulari vel preteriri nequeat, breviter sit, et transcursum medietatibus interjectum.

V. DE CAUSARUM PROPRIETATIBUS.

§ 1. In causis omnibus, ecclesiasticis et secularibus, legaliter et ordine pertractandis, alii sunt accusatores, alii defensores, alii testes, alii iudices, in omni discussione probitatis ydonei; nullaque ⁴sunt exaccione permixti. Demum causarum qualitas sincera perscrutacione pensanda, et accusantium intencio, testium modus, et ^diudicum eleccio. § 2. Ne ^eperegrina sint iudicia, vel a non suo iudice vel loco vel tempore celebrata; nec in re dubia, vel absente accusato, dicta sit sententia. § 3. Notandum quod per omnia, si accusatus inducias competentes, et respondendi vel defendendi licenciam habuit legitimam, ne disseisiatus, vel inplegiatus, vel illegiatus, vel sur-reptione aliqua circumventus, aut fraude, iudicetur: si in testibus et iudicibus et ⁵personis satisfactum sit ei, ^fsi iudicibus

¹ prava *ms. Lond.* ² cematium *Sc.* ³ *ms. Lond. add.* ⁴ simul *ms. Lond. et K.* ⁵ prepositis *ms. Lond. et K.*

^a Impressi codd. 'elogium.'

^b Impressi male legunt 'discendi.' Caput autem hoc congestum videtur ex diversis locis Isidori Hispal. Orig. Eccles. l. 2. vide cap. 4, 5, 7, 8, 10, 19, 20, 21. Item Quintil. Instit. Orator. l. 1. c. 4. et l. 4. c. 1.

^c Totum hoc fere caput desumptum est ex diversis patrum sententiis, canonibus ecclesiasticis insertis, uti videre est apud Burchardum, Ivonem et Gratianum, et post Henrici Primi obitum, ni fallor, hisce legibus adjectum.

^d Vide Burchard. lib. 16. c. 13. ex epist. Zepherini Papæ Siciliensibus, vide cap. 14.

^e Hæc sumuntur ex epistolis Zepherini et Adriani Pontificum Romanor. Vide Burchard. lib. 16. cap. 13, 14, 31, 29.

^f Infra cap. 31. § 6. sic legimus: 'Si quis iudices suspectos habeat, advocet aut contradicat.' An præsens locus sit ex illo corrigendus,

consenciat, aut vocet aut contradicat. § 4. ^a Non ita penitus est in ecclesiasticis negociis sicut in secularibus. In secularibus, postquam aliquis vocatus venerit, et in foro placitari ceperit, non licet ante peractam causam, etsi in justiciam convenerint, recedere: in ecclesiasticis vero, dicta causa, licet, ¹si necesse fuerit, si judicem suspectum habuit, vel se senciatur pergravari. § 5. ^b Judices sane non debent esse, nisi quos impetitus elegerit; nec prius audiatur vel judicetur quam ipsi eligantur: et qui electis consentire distulerit, nullus ei communicet, donec obtemperet. § 6. ^{xii} Quod si in iudicio ^cinter ^{*} partes oriatur dissensio, de quibus certamen emerit, vincat sententia plurimorum. § 7. ^d Sancitum est in causa fidei, vel ecclesiastici alicujus ordinis, eum judicare debere, qui nec munere impar sit, nec jure dissimilis; et nichil fiat absque accusatore; nam Deus et Dominus noster Jesus Christus Judam furem esse sciebat, set quia non est accusatus, ideo non est ^eabjectus; et quicquid inter Apostolos egit, pro dignitate

* pares ?

¹ sed necesse fuit si judicem *ms. Lond. et K.*

aliis, quibus animus, inquirendum relinquo. De iudicii vero contradictione vide Scotor. Leges, tit. Quoniam Attachiamenta, cap. 13. et 35. Statuta etiam Willielmi regis ibid. cap. 10. Vide Spelm. Concil. p. 273. c. 140, 141. Burchard. Decret. lib. 1. cap. 222.

^a Locus hic spinosus desumitur ex Decretis Felicis Papæ, uti refert Burchardus, lib. 1. cap. 222, ubi sic legimus: 'Non in ecclesiasticis agendum est negotiis, sicut in secularibus. Priusquam legibus vocatus venerit, ut quum in foro decertare cœperit, non licet ante peractam causam recedere, in ecclesiasticis vero causa dicta recedere licet, si necesse fuerit, aut si se prægravari viderit' Vide Spelm. Concil. pag. 273. cap. 140. Nescio tamen, an et hic locus non sit corruptus, quem tamen ex ipsius papæ epistolis restituere frustra conatus sum.

^b Locus totidem verbis postea repetitus cap. sc. 33. § 5., uterque desumptus ex epistolis Fabiani Papæ ad Hilarium Episcopum cap. 16. Vide Burchard. l. 1. c. 147. et Concil. Spelm. pag. 273. cap. 141. 'Judicibus' heic assessores intelligo, vel ut infra c. 29. § 4. appellantur senatores (exteriorum rachimburgiis et sagi-baronibus non dissimiles) non autem juratores, duodecim viri sc. qui in reatu disquirendo, de facto, ut dicitur, apud nos judicant et cognoscunt, quod equiti illi doctissimo (hunc locum in Glossario suo citanti in verbo 'Judex') quam recte non video, placitum.

^c Rectius 'inter pares.' Vide cap. 31. § 6. et Latin. Norman. Customar. c. 9.

^d Vide Ambros. Epist. 82.

^e Pro 'abrectus' Sc. mss. Seld. et Lond. legunt 'abjectus,' attamen Burchard. lib. 16. c. 70, ubi locum hunc desumptum notat ex cap. 3. Decret. Eleutherii Papæ episcopis Galliæ, 'ejectus' exhibet.

officii ratum mansit. § 8. Sicut autem nec clerici laicos, ita nec laici clericos, in suis accusacionibus vel infamacionibus, debent recipere. § 9. ^aAccusatores clericorum et testes legitimi sint et presentes, absque ulla infamia, vel suspicione, vel manifesta macula sint; ^bquia recte sacerdotes accusare non possunt qui sacerdotes esse non possunt, nec sui sunt ordinis; nec oportet quemquam judicari vel dampnari, priusquam legitimos accusatores habeat presentes, locumque defendendi accipiat ad abluenda crimina. § 10. Placuit eciam, quociens clericis ab accusatoribus multa crimina objiciuntur, et unum ex ¹hiis de quo prius egerint probare non valuerint, ad cetera non admittantur. § 11. ^cEt non dampnetur presul nisi in LXXII. testibus; neque presul summus a quoquam judicetur. Presbiter cardinalis nisi in XLVIII. testibus non dampnabitur; diaconus cardinalis nisi in XXVI.; subdiaconus et infra nisi in VII.; ^dnec major in minorum impetitione dispereat.

¹ eis *ms. Lond.*

^a Hæc constitutio desumitur ex Decretis Calixti et Damasi Paparum. Vide Burchard. lib. 1. cap. 171. et 172. et Concil. Spelm. pag. 273. cap. 142, 143.

^b Desumptum hoc videtur ex Capitular. Kar. et Ludov. Imp. l. 17. c. 130. et id quod sequitur 'Placuit etiam' ex eisd. Capitular. eod. lib. c. 77.

^c Vide pag. sequ. Eadmer. p. 113. 47. 115. 31. Vide Gratian. caus. 2. q. 5. cap. 2. et 3. Ante concilium Lateranense sub Alexandro Tertio episcopi longe præferebantur cardinalibus. Vide ejusd. concil. cap. 4. et habetur in Decretalium libro, tit. de Censibus, cap. Cum Apostolus. Certe post constitutionem Nicolai Secundi anno 1059, ut habetur Distinct. 23. et Cœlestini II. electionem a cardinalibus solummodo factam, ut deinceps stabilitum ab Alexandro III. decretum anno 1179, ut is esset Romanæ pontifex ecclesiæ, qui a duabus partibus cardinalium electus foret, dignitas hæc mirifice crevit, adeo ut ab eo tempore etiam regibus comparanda censeatur. Et licet de moderando eorum numero tum in conciliis Constantiensi sess. 40. et Basileens. sess. 23. actum sit, et a Germanis et Gallis in ultimo Tridentino expetitur, nihil tamen profectum fuit, donec, anno 1586, tertio non. Decembr., Sixtus Quintus bulla quadam declaravit, ut essent tantum cujuscunque ordinis lxx. cardinales; vid. vi. episcopi, l. presbyteri et xiv. diaconi. De cardinalibus autem justum habemus tractatum apud doct. equ. Spelm. in voce, et Duaren. de Sacris Eccles. Ministr. ac Benefic. lib. 1. c. 13.

^d Idem inculcatur infra cap. 32. § 1. aliis verbis, cui respondet illud apud Gratianum cap. 2. q. 5. 'Majorum quisquam minorum accusationibus non impetatur.' Vide caus. 3. 96. Can. 1. ex Epist. 3. Fabiani Papæ Decret. Julii 1. tom. 1. Concil. cap. 16. fol. 185. b. p. 195. 33.

§ 12. ^aEt ibi semper causa agatur ubi crimen admittitur.
 § 13. Pulsatus ante suum iudicem, si voluerit, causam ¹suam dicat; et non ante suum iudicem pulsatus, si voluerit, taceat: et ut pulsatis, quociens petierint, inducie dentur. § 14. Et omnis qui crimen objicit ^bscribat se probaturum, et si ante conversus ^cprosequi noluerit, ²convicium est, non crimen, habendum. ^dQuod si decertare contendat, si non probaverit quod objecit, penam quam intulit ipse paciatur. § 15. Apostolus inquit, adversus presbiterum inscriptionem non recipiendam absque duobus vel tribus idoneis testibus; quanto magis de episcopis, si hec de presbiteris vel ceteris fidelibus sunt observanda? § 16. Si quis aliquem clericorum in accusatione fornicacionis appetit, secundum Apostoli Pauli preceptum, duo vel tria testimonia requirantur ab eo: quod si non potuerit datis testimoniis approbare quod dixit, excommunicationem accusati accusator accipiat. Et nemini de se confesso super alienum crimen credatur: confessio vero per metum vel per fraudem ³exorta non valet. § 17. Caveat sacerdos ne de hiis qui ei confitentur peccata sua alicui recitet quod ei confessus est, non propinquis non extraneis: quod si fecerit, deponatur, et omnibus diebus vite sue ignominiosus peregrinando peniteat. Et si quando episcopus ⁴'dicit aliquem' sibi⁵ fuisse confessum proprium crimen, et ille neget, non putet

¹ in *ms. Lond. deest.* ² convictum *mss. Seld. et Sc. habent.* ³ exorta *mss. Seld. Sc. Lond. et K. legunt.* ⁴ aliquem dicat *ms. Lond. et K.*
⁵ soli *K. add.*

^a Idem habetur infra cap. 57. § 2. Item cap. 62. § 3. Pariter jus et civile et pontificium. Vide Burchard. lib. 16. c. 9. ex concilio Arausican. cap. 4. caus. 2. quæst. 8. cap. 4. Matth. Stephan. de Offic. Jud. l. 1. c. 8. n. 50. Skenæum de Verb. Signific. verbo 'Infangthesfe.' Atque apud nostrates quoque illud receptum innuit Bractonus l. 3. tract. 2. cap. 35. it. l. 5. tract. 5. c. 2. n. 3.

^b Forte, 'sciat se probaturum.' Vide Burchard. lib. 16. c. 3. nisi inscriptio sit intelligenda, qua quis crimen quod objecerit non probans, legi sive pœnæ talionis jure civili fit obnoxius.

^c Ita *ms. Lond.* etiam legit; impress. olim, 'persequi noluerit; conjunctum est.' Vide stat. 37 Edw. III. c. 18. stat. 38 Edw. III. cap. 9. infra, cap. 34.

^d Lex plane talionis cui assentitur non solum jus civile l. penult. c. De accusat. item l. 2. § fin. Pandect. De adult. inscriptionum pagina l. 3. c. Qui accus. poss. sed et jus pontificium, Burchard. l. 16. c. 3. Cum autem apud nos idem in ordinum comitiis sancitum esset anno 37 Edw. III. c. 18. deinceps illud tanquam aliquanto severius fuit rursus mitigatum anno 38 Edw. III. c. 9.

episcopus ad injuriam suam non pertinere, quod sibi soli non creditur, etsi scrupulo consciencie sue dicat se ei nolle communicare. § 18. Plerumque boni tacent et sufferunt mala que noverunt, ¹quia documentis deseruntur, et iudicibus probare non possunt; quamvis enim vera sint, non tamen iudici sunt credenda, nisi certis ²iudiciis probentur. ³Nos vero a communione nequaquam prohibere possumus, (quamvis hec prohibicio non sit mortalis, set medicinalis,) nisi vel sponte confessum, vel iudicio convictum: hinc enim talis est ⁴nominalis, ut ait Apostolus, qui confitetur, vel ordine iudiciario convincitur. Quod si per iudicium auferri non potest, toleretur potius, ne quis perverse malos ⁵vitando ab ecclesia, discedens precedat illos ad gehennam. Communio malorum non maculat aliquem perceptione sacramentorum, set confessio factorum. Quisquis in ecclesia bene vixerit, nil ei prejudicant aliena peccata. § 19. De habitu et vestitu nichil legimus imperatum divinitus; que ad pompam sunt prohibentur: et si regeris, potes in superbo cultu ⁶habere cor humile, ut Hester. § 20. ^bPeccatores non solum Deus iratus, set etiam miseratus, evertit: evertuntur autem duobus ^cmodis: aut sicut Sodomite, ut pro peccatis suis ipsi homines puniantur; aut sicut Ninivite, ut ipsa hominum peccata puniantur et destruantur. Omnes eque diligendi sunt, set cum omnibus prodesse non poteris, hiis potius consulendum est, qui pro locorum et temporum et quarumlibet rerum opportunitatibus constrictius junguntur tibi. § 21. Uterque reus est, et qui veritatem occultat, et qui mendacium dicit; quia ille prodesse non vult, et iste nocere desiderat. Non ita caveatur arrogancia, ut veritas relinquatur. § 22. Qui sacerdotem, ante familiarem commonicionem, apud suos iudices aliquando, vel apud seculares unquam, accusaverit, anathema sit.^c § 23. Si episcopus a fide deviaverit, et a subditis secrete commonitus incorrigibilis apparuerit, tunc ad ^dsummos pontifices vel sedem apostolicam accusetur: pro aliis

¹ que a *K.* ² iudiciis *Sc.* ³ non *K.* ⁴ invitando *K.* ⁵ in *Ms.*
Lond. deest. ⁶ *Ms. Lond. add.*

^a Nonne rectius 'abominabilis?'

^b Vide August. epist. 29.

^c Vide supra, et cap. 66. § 3. et 73. § 6.

^d Adde Capitular. Kar. et Lud. Impp. l. 7. cap. 68. 113. et 234. Videtur autem hoc caput ad exemplum canonis noni Concilii Chalcedonensis confectum. Vide Eadmer. Histor. l. 5. pag. 107. 33. ubi

actibus suis magis est tolerandus, quam corrigendus. § 24. ^a Si quis episcopus super certis criminibus accusetur, ab omnibus qui sunt in provincia episcopis audiatur, nec dampnetur vel judicetur, priusquam legitimos accusatores presentes habeat, et conprovinciales non alienigenas, et a se electos iudices non refutet, nisi sit appellatum: quod etiam liceat destinatis in supplicium. ^b Appellanti autem et viciatam causam appellationis remedio sublevantem non debet afflictio vel detencionis injuriari custodia. § 25. Quidam ad ^c repellenda imperitorum machinamenta, et suas rationes preparandas, et testes confirmandos, et ¹ consilia querenda, annum et sex menses concedi mandaverunt; quidam annum, in quo plurimi concordant, minus vero quam sex menses non reperi. § 26. Quod si episcopi vel clerici, vi vel timore ejeti, vel suis rebus expoliati, fuerint, prius eis omnia sua legaliter reddantur, et tantum temporis spacium habeant quanto dissaisiati ² fuisse videbuntur, antequam ad iudicium canonice vocentur. § 27. Gregorius in ^d Decretis: Presbiter vel diaconus, vel quilibet clericus*, a

* si fuerit
add.?

¹ consimilia *ms. Lond.*

² esse *ms. Lond.*

Anselmum archiepiscopum Anglorum summum pontificem vocat, quo nomine, ut videtur, eo ævo, provinciarum primates, patriarchæ, metropolitani sunt generatim comprehensi. Porro satis hinc, me iudice, constat, leges hasce fuisse demum recognitas post annum 1172, ante enim id tempus de appellationibus ad sedem Romanam prohibitis satis edocemur a diversis, Eadmer. Hist. p. 39. l. 35. Matth. Paris. anno 1164, uti et de frequentibus paparum eo nomine institutis querelis. Id. Eadmer. p. 113. 2, 3. p. 115. 31. Nec unquam eas legibus permissas deprehendimus ante absolutionem Henrici II. anno 1172, quando inter cætera condebatur: 'Appellationes nec a rege impediendas, nec impediri permittendas, quin libere fierent in ecclesiasticis causis ad Romanum pontificem.' Rog. Hoved. fol. 303. 7. quam tamen concessionem Henrici II. posterius deinde reges multis modis enervarunt, et tandem penitus abrogarunt.

^a Ipsissima verba sunt Capitular. Kar. et Lud. Imp. lib. 7. cap. 79. Videatur etiam ejusdem libri cap. 230.

^b Legendum forte: 'Appellans autem, et viciatam causam appellationis remedio sublevans, non debet afflictionis vel detencionis injuriari custodia: nisi malit quis pluraliter, 'Appellantes autem,' &c.

^c Impress. olim legit 'replenda.' Vide Burchard. l. 1. c. 180. ex epistolis Felicis papæ 2. fratribus Ægypti, c. 15.

^d Hinc apparet leges hasce recognitas atque, uti jam extant, post Henrici Primi mortem (quæ incidit in annum 1135) in archiva reatas. Siquidem Decreta non ante annum 1151 a Gratiano, monacho Benedictino, in monasterio S. Felicis Bononiensis compilata fuere. Baron. To. 12. n. 6. Mat. West. Vide Epist. D. Edwardi Coci ad Relationum suarum partem nonam. Quod autem ex Gregorio et

populo accusatus, si certi non fuerint testes illati criminis qui approbent veritatem, iusjurandum sit in medio, et illum proferant testem de innocencie sue puritate cui nuda et aperta sunt omnia. Hoc eciam beatus Sixtus papa se fecisse commemorat a quodam Basso culpatus, licet cum magna examinatione satis possit evadere suspicionem et emulationem fugiens, non eis qui noluerint aut sponte hoc elegerint faciendi formam dans Ieronymus super Ieremiam libro primo. § 28. Juramentum debet habere comites veritatem, justiciam et iudicium; si ista defuerint, non juramentum set perjurium erit; nam si quis per coactionem abjurare cogatur quod per multos annos quiete tenuerit, non in jurante set cogente perjurium erit. Reum non facit nisi mens rea. Nemo se circumveniat aut seducat. § 29. ^a Qui per ^{xiii} lapidem falsum jurat, perjurus est. Quacunque arte verborum juret aliquis, Deus ita accipit sicut ille cui juratur intelligit. Set sine dubitatione malum minus est per deum falsum jurare veraciter, quam per Deum verum jurare fallaciter; quanto enim id per quod juratur magis est sanctum, tanto magis est penale ¹perjurium. § 30. Qui exigit juracionem, multum interest si scit illum falsum juraturum vel nescit: si nescit et dicit, jura michi, jura michi, ut fides stet, non audeo dicere non esse peccatum, tamen humana temptacio est: ^b si novit fecisse et cogit jurare, homicida est. § 31. Si ab alio provocatus fueris, ab illius malo est quod

¹ iudicium *ms. Lond. et K.*

Sixto Tertio hic citatur habetur in Decretis caus. 2. q. 5. cap. Presbyter et Mandastis; *i. e.* cap. 5. et 10. Idem supra observari potest cap. de Danegeldo, ubi Willielmi Secundi fit mentio. Quod a Ranulpho Glanvil. an 1180 forte adjectum, cujus sapientia conditæ sunt leges subscriptæ, quas Anglicanas vocamus. Hoveden. fol. 342. b. 34. Vide tamen Lanfranci epist. 23. § Pospositis, p. 313. col. 1.; in Decretis sic legitur.

^a Verius, ni fallor, legitur: 'Qui per lapidem falsum jurat, perjurus est. Quacunque arte verborum juret aliquis.' Melius tamen ut intelligas, lector, quid sit per lapidem jurare et pejerare, admonendus es, Romanos, ut Festus docet, olim jurasse lapidem tenentes et projicientes in his verbis: 'Si sciens fallo, me Diespiter salva urbe arceque bonis ejiciat, ut hunc ego lapidem.' De hoc autem juramento vide, præter Livium et Macrobius, Erasmus in Chil. 2. cent. 6. ada. 33. 'Jovem lapidem jurare.' Videantur etiam Cujac, Observat. li. i. ca. 21. Dempster de Juram. li. 1. c. 8. et Turneb. Adversar. l. 30. c. 24.

^b Concord. cap. Ille qui hominem, 22. q. 5.

juras, non a tuo. § 32. Si quis jurat falsum, te sciente, si te non audierit, utrum sit ¹prodendus, si proditus et periculum mortis incurrat? Difficillima questio est, cui plus noceat, illi cui juratur, an sacerdoti? michi videtur quod ille cui magis prodest vel obest veritatem jurare. § 33. Jurare, necessitate cogente, non est peccatum. § 34. Non est servandum sacramentum cum malum incaute ²promittitur. § 35. Juramentum filii et filie, nesciente patre, et vota monachi, nesciente abbate, et juramenta pueri, irrita sunt.

VI. DE TRIPARTICIONE REGNI ANGLIE IN DIVERSITATE LEGUM, COMITATUUM, VEL PROVINCIARUM.

§ 1. Regnum Anglie trifariam dividitur in regno Britannie, in Westsexiam, et Mircenos, et Danorum provinciam. Habet archiepiscopatus duos, ³episcopatus ³xv. comitatus xxxii. Ipsi vero comitatus in centurias et ^bsipessocna distinguuntur. Centurie vel hundreta in decanias vel decimas, et dominorum plegios. § 2. Legis eciam Anglice trina est particio, ad superiorem modum; alia enim Westsexie, alia Mircena, alia Denelaga est; ^cpreter tremendum regie majestatis ⁴titislamus

¹ *Impress. legit* procedendus, *rectius* prodendus *ms. Lond. et Sc.* ² pronuntiatur *Sc. rectius* promittitur *ms. Lond. et K.* ³ multos *ms. Lond. et K.* ⁴ titulamus *mss. Seld. Twysd. Lond. et K.*

^a Hinc apparet leges hasce conditas post erectionem episcopatus Eliensis circa ann. 1108, et Carleolensis circa ann. 1133 aut 1134. Hoved. Henr. Huntind. fol. 171. a. lin. 2. fol. 220. b. ii.

^b Nisi hic, nusquam occurrit mihi istud vocabulum 'sipessocna,' Erratum puto pro Saxon. *riþeþrocna* scriptoris forte vel incuria vel imperitia Romanum *p* pro Saxonico *þ* accipientis. Vox est, ni fallor, composita, ducenda à Sax. *zeriþ*, contracte *riþ*, et *rocna* 'sodalitium,' scil. cœtus, fraternitas, societas quorundam hominum (quod *riþ* signat) privilegiis, libertatibus, franchisesis (ut a Normannis dictis) præditorum, quod *rocna* notat. Nec voce hac hoc sensu ulla apud nos hodieque vulgarior vel tritior, *e.g.* cum dicimus, 'What a sith of men,' &c. interrogando sc. vel admirando, *i.e.* 'Quantus hominum cœtus.' Ejusmodi sodalitium 'gildam' vulgo vocant, alias 'friþor-gam,' quarum vocum utriusque prostat expositio in doct. Spelm. Glossario, quod velim consulas. Sicut autem in decennæ sive decuriæ sodalities reliquis præerat dignior unus, quem *teodunzmon* nuncuparunt, hodie 'tithingman,' sic etiam isthoc sodalitium suum habuit præfectum, quem *zeriþeunþmon* quandoque *riþeunþmon* nominarunt; *i.e.* Lambardo interprete, 'custos paganus.'

^c Locus plane mendosus diu me torsit, et frustra, quid enim sentiendum sit de voce illa 'titislamus' penitus ignoro, nec aliquid lucis accendit varia illa lectio 'titulamus,' nisi legamus, 'Præter

imperium, quod preesse jugiter ¹legimus ac salubriter ²celebramus, advertendum. In multis autem differunt, set in multis conveniunt. Ipsorum eciam jura comitatum per provincias plerumque dissensiunt, sicut, videlicet, cupiditas et maligna professorum detestanda studia graviora nocendi genera legalibus ³statutibus adjecerunt: tanta quippe rerum perversitas et malorum affluencia est, ut definita legis veritas vel stabilis medicine providencia raro possit inveniri; set, ad majorem omnium confusionem, novus inplacitacionis modus exquiritur, nova nocendi fraus invenitur, tanquam parum noceat quicquid ante fuerit, et pluris esse judicetur, qui pluribus plus nocuerit. Illis tamen reverenciam et amorem stigia simulacione pollicemur, quibus carere non possumus: quicquid nostre crudelitati pari congressione non respondet nobis natum ⁴reputamus. ⁵Induimus animos tyrannorum, et hanc rabiem nobis induxere divitie. Nemo quantum potest, set ultra modis omnibus appetit insanire. Tot denique sunt et tantis occupata solitudinibus, tot circumduccionibus involuta sunt infortunia seculorum, ut vitande potius videantur exacciones, et incerta penitus alea placitorum.

VII. DE GENERALIBUS PLACITIS COMITATUUM, QUOMODO VEL QUANDO FIERI DEBEANT.

§ 1. Sicut antiqua fuerat institutione formatum, salutari regis imperio, vera nuper est recordacione firmatum, generalia comitatum placita certis locis et ⁶vicibus, et diffinito tempore, per singulas Anglie ^{xiv}provincias, convenire debere, nec ullis ultra fatigacionibus agitari, nisi propria regis necessitas, vel commune regni commodum sepius adjiciat. § 2. ^a Inter-

¹ legimus *K. legibus Sc.* ² frequentamus *ms. Lond. et K.* ³ statibus *ms. Seld. et K.* ⁴ nō, *punctulis subjectis, Sc. add.* ⁵ indicimus *K.* ⁶ judicibus *ms. Lond. et K.*

tremendum, quod titulamus regiæ majestatis imperium;’ utcumque sit, idem videtur esse loci sensus cum eo, de quo versus finem cap. 9, ubi post regni et legis Angliæ velut hic partitionem, statim additur: ‘Supersunt regis placita curie, que usus et consuetudines suas una semper immobilitate servat ubique.’

^a Vid. cap. 29. His in exhibitione loci addit doctiss. Spelmannus plures alios; ‘heretochios,’ sc. ‘trithingrevious, leidgrevious,’ omnes locum suum post vicecomites capessentes; de hoc iterum postea, cap. 31. § 3.

sint autem episcopi, ¹comites, vicedomini, vicarii, centenarii, aldermanni, prefecti, prepositi, barones, vavasores, tungrevii, et ceteri terrarum domini, diligenter intendentes ne malorum impunitas, aut ²graviorum pravitas, vel iudicum subversio solita miseros laceracione conficiant. § 3. ^{xv}. Agantur itaque primo debita vere Christianitatis iura; secundo regis placita^a; postremo cause singulorum dignis satisfaccionibus expleantur; et quosunque ^bscyresmot discordantes inveniet, vel amore congreget, vel sequestret iudicio. § 4. ^{xvi}. ^cDebet autem scyresmot et burgemot bis, hundreta vel wapentagia duodecies in anno congregari, et ³sex diebus antea ⁴submoniri, nisi publicum commodum vel ⁵regis dominica necessitas terminum preveniat. § 5. Et si aliquid in hundretis agendorum penuria iudicum, vel casu aliquo, transferendum sit in duas, vel tres, vel amplius hundretas, respectetur justo fine claudendum. § 6. Et si quisquam, violenta recti destitucione vel detencione, in hundretis vel congruis agendorum locis, causam suam ita turbaverit, ut ad comitatus audienciam pertrahatur, perdat eam, et de cetero componat, sicut rectum sit. § 7. Si quis baronum regis vel aliorum comitatu, secundum legem, interfuerit, totam terram, quam illic in ⁶dominio suo habet, acquietare poterit. Eodem modo est, ^dsi dapifer ejus legitime fuerit. Si uterque necessario desit, prepositus et sacerdos et quatuor de melioribus ville assint pro omnibus qui nominatim non erunt ad placitum submoniti. § 8. Idem in hundreto decrevimus observandum, de locis, et vicibus, et iudicum observanciis, de causis singulorum justis examina-

¹ comites et vic. herehohei treingrevei, leidegrevei, vicarii *ms. Lond. et K.* ² gravionum *K.* ³ septem *K.* ⁴ submonitionem *Sc.* ⁵ efficiente *Sc. add.* ⁶ dominico *K.*

^a Quo confusum constat forum sacrum cum civili, contra sancitum illud Guilielmi Primi, (hujus edit. p. 495.) de quo plura scholiis ad cap. 31. § 3.

^b Verior recte hæc lectio quam illa doct. Spelm. in Glossar. in verbo 'Chirgemot.' Vide quosque 'Chirgemot discordantes inveniet,' &c. unde vocem trahit ac significandum forum ecclesiasticum.

^c Impress. legit 'Scyresmot et burgimotis—et sex diebus antea submotum—vel efficiente regis dominica,' &c. Deprompta hæc videntur e legibus Edo. Confess. 'De Heretochiis,' (hujus edit. p. 456, n.) unde erroneæ istius loci lectionis correctio in promptu est. Vide Leges Æthelst. I. c. 20.

^d Similiter locum exhibet doct. Spelman. in Gloss. verbo 'Dapifer.' Malim autem 'legitime interfuerit.'

cionibus audiendis, de domini et dapiferi, vel sacerdotis et prepositi et meliorum hominum presencia.

VIII. ^{xvii} DE HUNDRETIS TENENDIS.

§ 1. Speciali tamen plenitudine, si opus est, bis in anno conveniant in hundretum suum quicumque liberi, tam ^a hudefest quam folgarii, ad dinoscendum, scilicet, inter cetera, si decanie plene sint, vel qui, quomodo, qua ratione, recesserint, vel super-accreverint. Presit autem singulis hominum novenis decimus, et toti simul hundreto unus de melioribus, et vocetur aldremanus, qui Dei leges et hominum jura vigilantia studeat observancia promovere.²

§ 2. ^{xviii} Communis quippe commodi provida dispensacione statutum est^b, ut, a duodecimo etatis sue anno, et in hundreto sit et decima, vel plegio liberali, quisquis were, vel wite, vel jure liberi, dignus curat estimari. Conducticii, vel solidarii, vel stipendiarii, * duorum plegio

* l. domino-
rum.

teneantur. § 3. ^{xx} Et omnis dominus secum tales habeat qui ei justiciabiles sint, tanquam eos, si peccaverint, ad rectum habiturus, vel pro eis forsitan rationem redditurus. § 4. 'Dicitum est de illis qui terram non habent, si in alio comitatu

¹ hurderefest *ms. Lond. et K.* ^{2 d xix} Quia nil a nullo exigi vel capi debet, nisi de jure et ratione, per legem terre et justiciam, et per judicium curie, sine dolo, prout statutum est maxima consideracione procerum et bonorum predecessorum tocius regni, et multa aggregacione servorum Dei et bonorum patrum et sapientum tocius monarchie approbatum. *ms. Lond. et K. add.*

^a Loco 'hudefest' habetur 'hirderefest' in doct. Spelm. Glossar. verbo 'Folgarii;' vitiose tamen sic scribi pro hurdesfest alibi opinatur eques ille doct. verbo sc. 'hurderefest.' Neutrum autem mihi placet; scribendum reor 'heorthfest,' nec aliter in L.L. Cnuti regis, Sec. c. 20. Vocis autem et loci pleniorum intellectum quære in Glossar. ad finem operis, verb. 'Heorðfest.'

^b Quæ sequuntur ad ista 'rationem redditurus' e legibus Æthelredi, l. c. 1, et Cnuti, Sec. c. 19. et 28. excerpta videntur. Huc etiam spectat lex illa Guil. Primi, III. cap. 14, nec non ejusdem regis leges in Ingulpho 49. et 50. Vide cap. 28. L.L. Cnuti, Sec.

^c Hæc et sequentia usque ad 'emendet,' ipsissima verba sunt legum Æthelstani, l. c. 8, quod cum lemmate præfixo sic se habet in Jorvalensi, cap. 14. 'De illis qui terram non habent, et in alio comitatu famulantur.' 'Item ediximus, si quis non habens terram serviat in alio comitatu, et ad cognatos suos quandoque redeat, qui eum in ipsa visitatione firmabit, eum ad jus publicum præsentet, si forisfaciat ibi, vel emendet pro eo.'

^d Harum legum exemplar, quod, ut videtur, secutus est doct. Spelm. verbo 'Aldermannus,' eandem habuit additionem cujus partem

serviant, et cognacionem suam visitent, qui eos inter agendum firmabit, eos ad publicum rectum ducat, si ibi forisfaciant; vel propter eos emendet. § 5. ^a Nemo ignotum, vel vagantem, ultra triduum, absque securitate detineat, vel alterius hominem,

* esse eum?

sine commendante vel plegiante, recipiat, vel suum a se dimittat, sine prelati sui licencia et vicinorum testimonio, quietum *eciam in omnibus in quibus fuerit accusatus.

§ 6. Set de hiis omnibus pleniorē suggerent ventura noticiam, sicut Edwardi beatissimi principis extitisse temporibus certis indiciis et fida relatione cognovimus. Et si quid professioni nostre congruum precedencium vel sequencium capitula docuerint, sive jure naturali, vel legali, vel morali, gaudeant instituto, et hoc licet multa ¹compositorum varietate minus plene peregerim, bonam saltem voluntatem ubique pretendo.

IX. ^{xxl} DE QUALITATE CAUSARUM.

§ 1. Qualitas causarum multa est: emendabilium, et non emendabilium, et que solum pertinent ad jus regium. Omnes vero cause simplices sunt aut conjuncte, et in manifestacione consistunt, vel in ^baccusacione. In contemplacione peccatorum, alie per visum fiunt et auditum, alie per relacionem, alie per estimacionem, que magis ad violentam usurpacionem improbis prelatorum conjecturis inversantur, que a legitimis² causis omnibus, et maxime ecclesiasticis, submoventur. § 2. Et sive unus unum accuset aut plures, vel plures unum, vel plures sint compellantes, et compellati aliquem statim in inculpa-

¹ circumpositorum *mss. Seld. Twysd. et Lond.* ² legum *ms. Lond.*

exhibet ibidem. Hac autem de re vide statutum editum ann. 34 Edw. I. 'De tallagio non concedendo,' cap. 1, et LL. Will. Primi, III. c. 5.

^a Deprompta hæc videntur cum sequentibus ad ista: 'quibus fuerit accusatus' e LL. Cnuti, Sec. c. 28, et antecessoris ejus Æthelstani, I. c. 22. Recensuit Guiliel. Primi, I. c. 48. legum suarum. Concordat Bracton. l. 3. tract. 2. cap. 10. num. 1. 'Nec debet,' inquit, 'quis repellere servientem suum antequam purgatus sit de omni calumpnia, unde prius fuit calumpniatus.' Plura huc spectantia vide in doct. Spelm. Glossar. verbo 'Homehyne.'

^b Id est ex notorietate facti, (ut cum forensibus loquar) nulla sunt tergiversatione celandæ, ut id furti manifesti quod vocant 'hondhabend, bachberend,' cui respondet Saxonum æt openpe ꝛeýlbe, de quo in LL. Inæ, cap. 37, aut non ita notoriæ, ut quæ probationis indigent manifestacione, quo etiam tendit id quod sequitur infra, 'si quid in actu vel in sola tihla,' *i. e.* accusatione, 'consistat,' &c.

cionibus responderi oportet, aliquando competenti termino, aliquando nullo. § 3. Et omnes habeant congruos pertractacionum modos, locis temporibus et personis assignatos. § 4. Et omnis causa terminetur vel hundreto, vel comitatu, vel halimoto socam habencium, vel dominorum curiis, vel divisio parium, vel certis agendorum locis ¹adjacentibus, ne cuilibet irrogatam injuriam ²fomenta dilata vel amota multiplicent, ne causarum habitudine, vel aliqua recti destitucione, jura pertranseant. Transeunt autem multis modis, alia intrinsecis, alia extrinsecis accidenciis, secundum industriam vel insciam ³concertancium, secundum socam ⁴placitorum, quam quidam habent in suo de suis, quidam de suis et extraneis, sive in omnibus sive in quibusdam causis.^a § 5. Multa siquidem causarum differencia est: Capite plectendarum, vel pecunia redimendarum, transeuncium, manencium, vel utrumque spectancium, et que solum pertinent ad jus regium. § 6. Differt etiam an aliquis cum suo vel alterius homine causam agat, et si quid in actu vel in sola tihla consistat, et si quid bello vel lege sacramentali, plena vel frangenti, vel etiam judiciali repetatur. Aliud vero est si par parem accuset, vel major minorem, vel minor majorem. § 7. Permutantur etiam causarum acciones in locorum contingenciis, in tempore, ex personis. § 8. In accusacionum modis, personarum distinctio est in condicione, in sexu, secundum professionem et ordinem, secundum observatam legalitatem, que in agendis omnibus pensanda sunt iudicibus. § 9. ^bNemo enim stultus aut improbus debet esse iudex, set optimates quique, secundum

¹adjacens *K.* ²formata *ms. Lond.* ³causancium *ms. Lond. et K.*
⁴prelatorum *K.*

^a Quod traditum heic pluries in his legibus occurrit, et in cap. 20 § 2, 27, et 59 § 17 et sq. atque semper intelligendum est de privilegiis maneriorum dominis, principis beneficio, competentibus, forensium nostratium lingua 'infangthefe' et 'outfangthefe' dictis, quorum prius significat potestatem judicandi furem quemcunque infra manerium vel dominium tuum comprehensum, posterius autem similem jurisdictionem in latronem extra limites manerii vel domini tui delinquentem, dummodo intra ejusdem fines deprehendatur. Vide Bracton. l. 3. tract. 2. cap. 35. et Spelman. Glossar. in voce 'Infangthefe.'

^b Hac de re vide plura cap. 29. § 1. et LL. Æthelredi (VIII.) apud 'Habam' (vide Spelm. Concil. pag. 532. (Wilk. Conc. t. 1. p. 295.) ubi 'Habam' corrigend. forte 'Badam,' quomodo in vet. cod. ms. olim S. August. Cant., modo penes D. Simonesium D'Ewes

modum suum, qui non personam sed opera dijudicent, per legem provincie; regnum enim Anglie tripartitum est in Westsaxones, et Myrcenos, et Dacorum provinciam; legis eciam Anglice trina est particio; et ad eandem distanciam supersunt regis placita curie, ^aque usus et consuetudines suas una semper immobilitate servat ubique. Soca vero placitorum alia proprie pertinet ad fiscum regium, et singulariter, alia participacione; alia pertinet vicecomitibus et ministris regiis in firma sua; alia pertinet baronibus socham et sacham habentibus.

X. ^{xxii.}DE JURE REGIS.

§ 1. ^bHec sunt jura que rex Anglie solus et super omnes homines habet in terra sua, commoda pacis et securitatis institutione retenta: infraccio pacis regie per manum vel breve date; denegildum; placitum brevium vel preceptorum ejus contemptorum; de famulis suis ubicunque occisis vel injuriatis; infidelitas et prodicio; quicunque despectus vel maliloquium de eo; ^ccastellacio trium scannorum; utlagaria; ^{xxiii.}furtum

equ. aurat. et baronet.) cap. 'De Officio Judicis,' ubi, inter alia, hæc ad rem nostram signantur facientia: 'Et nullus dominus stultus aut improbos judices constituat, quia stultus per ignorantiam, improbus per cupiditatem vitat quam didicit veritatem.'

^a His similia prædicantur de tribunali quod curiam de hustingis olim nuncuparunt, quæ, ut loquuntur leges Edo. Confess. (De Here-tochiis, p. 457, n.) consuetudines suas una semper inviolabilitate conservat.

^b Quæ sc. in hoc et seq. capitibus (præsertim 13.) recensentur, usque ad cap. 19. inclusive, concordant LL. Cnuti, Sec. cap. 12. et 15, Glanvill. lib. 1. cap. 2, Bracton. l. 3. tract. 2, per totum Vetus Customar. Norman. cap. 10, 12, 15, 16, 17, 18, 19. Regalia hæc recte dicenda, quorum quædam enumerantur in usibus Feudorum, cap. 'Quæ sunt regalia,' quod vide, et Hotomanni comment. ibid., et si plura cupias, adi Regneri Sixtini tractatum, quem inscripsit 'De Regaliis.'

^c Spelman. in Glossario suo, vocem 'Castellacium' expositurus, adducit locum una cum alio non dissimili in cap. 13. § 1. (14. Spelmanno) obscura et corrupta indigitans, nec immerito obscuriora tamen ob defectum distinctionum et interpunctionum recte adhibitatum. Sic autem distinguendum et legendum puto: 'Castellatio trium stannorum utlagaria furtum morte puniendum; 'puniendum' dico, capitulum 13. sequutus, ubi est: 'furtum probatum et morte dignum.' Si quis tamen 'impunitum' maluerit, non contendero, præsertim cum moris olim fuerit, latronem in furto manifesto vel crimine flagranti deprehensum, sc. rem furtivam in manu habentem, quod 'hondhabend' (Germano-Saxonibus 'handhafte that,' i. e. factum manuale. Vide Gryphiand. de Weichbild. Saxon. cap. 57. num. 4.) aut a tergo deferentem, quod 'bacherend' nuncupabant;

morte impunitum; murdrum; falsaria monete sue; incendium; hamsocna; forestel; ¹fyrðinga; flemenfyrme; premeditatus assultus; robaria; ²stretbreche; ^bpresumpcio terre vel pecunie regis; thesaurus inventus; ³naufragium; ^cmaris algarum; ^dviolentus concubitus; raptus; ^{xxiv}foreste; relevaciones baronum suorum; ^equi in domo vel familia regis pugnabit; qui in hostico pacem fregerit; qui burgbotam, vel brigbotam, vel firdfare supersederit; qui excommunicatum vel utlagum habet et tenet; borchbreche; qui in bello campali vel navali ^ffugerit; injustum iudicium; defectus justicie; prevaricacio legis regie. § 2. ^fOmnes herestrete omnino regis sunt, et omnia ⁵qualstowa, i. occidendorum loca, totaliter regis sunt, in soca sua.

¹ fynderinga *K.* ² sterbreche *ms. Lond. et K.* ³ in *ms. Lond. deest.*
⁴ defuerit *ms. Lond.* ⁵ gwalstowa *ms. Lond.*

modo is annos (ut primo) decem ut postea duodecim natus esset, et quod octo denariis carius æstimaretur clepserit (ætatem in 15 annos et valorem in 12 denarios mutavit postea Æthelstanus rex in Concil. apud Witlambyrig. Vide Judic. Civit. London. c. xii.) causa coram loci domino rei cognitionem habente, alioquin coram coronatore festinantius accersito summarie cognita morti adjudicare, cujus illa Hallifaxiæ nostratibus satis nota lex videtur esse vestigium; quinimo si quis furi mortem obtulerit, jurejurando fidem adstringat, se tanquam criminis reum occidisse, atque hoc pacto omni solutione liberator, lex est expressa regis Inæ, cap. 16. cui similis illa in cap. 35. Vide etiam LL. Edo. Confess. cap. 36. et Vetus Norman. Customar. c. 23.

“ Pro ‘fyrderinga’ Spelmannus locum hunc exhibens in Glossario suo habet ‘Fynderinga,’ quem sequitur D. Edw. Cocus Institut. par. 3. pag. 132, et ‘thesaurum inventum’ vertunt. Cum vero thesaurus inventus nominatim hic subsequatur, nisi conjectura mea me fallit, bona sonat adventitia, forensibus nostris ‘waywium et estrayeria,’ veteribus ‘cuelings’ a Saxon. cuma, ‘advena,’ quæ regi acquiruntur, aut saltem domino feudi hanc libertatem sibi a rege indultam habenti. Vide Bracton. lib. 1. cap. 12. num. 10. et Vetus Norman. Customar. c. 19. Quæri tamen potest, utrum ‘fyrderinga’ hic non sit scribendum ‘fyderunga,’ quod Glossarium ‘apparatum expeditionis’ vertit.

^b ‘Presumpcio terre,’ forte ‘æris.’ Vide tamen LL. Burgund. tit. 54. pro ‘terrarum præsumptoribus.’

^c Id est ‘alga maris;’ de qua vide infra in Glossar.

^d Vide infra cap. 13. § 6.

^e Vide cap. 12. § 3. et cap. 80. § 1, 7. Leges Inæ, c. 6. Ælfredi, c. 7. Cnuti, Sec. c. 60.

^f Vias publicas regias scil. alias militares intelligit, regales forte vias, quibus itur de civitate in civitatem, de quibus in placito exhibitio apud Pinendenam per cl. Selden. notis ad Eadmer. p. 197, et Wilk. Conc. t. 1. p. 324; præsertim vero quatuor, quos, a Gallico chemin, vocant ‘chiminos’ nostratibus bene notos, de quibus vide plura in Spelm. Glossar. verbis ‘Ikenild-streat’ et ‘Irminsul.’

§ 3. ^{xxv.a} Et omnibus ordinatis, et alienigenis, et pauperibus, et abjectis, debet esse rex pro cognato et advocato, si penitus alium non habent. Hec sunt dominica placita regis, nec pertinent vicecomitibus, vel apparitoribus, vel ministris ejus, sine diffinitis prelocucionibus, in firma sua.

XI. ^{xxvi.} DE PLACITIS ECCLESIE PERTINENTIBUS AD REGEM.

§ 1. Sunt alia quedam placita Christianitatis, in quibus rex partem habet hoc modo. Si rex paciatur ut qui in ecclesia fecerit homicidium ad emendacionem veniat, primo ¹episcopo et regi precium nativitatis sue reddat, et ita se inlegiat; ^bdeinde componat de pace ecclesie v. libras, et reconciliacionem ecclesie querat, sicut ad eam pertinebit; et cognacionis ^cet donacionis emendacionem plene restituat.

§ 2. ^dSi quis rectam decimam superteneat, vadat prepositus regis, et episcopi, et terre domini, cum presbitero, et ingratis auferant, et ecclesie cui pertinebit reddant, et nonam partem relinquant ei qui decimam dare noluit; reliquum in duas partes dividant, dimidium habeat dominus, dimidium habeat episcopus, sit homo regis vel alterius.

§ 3. ^{xxvii.} ^eRomfech in festo Sancti Petri ad Vincula debet reddi: qui supratenebit, reddat episcopo denarium illum, et xxx. den. addat; et regi l. sol.

§ 4. ^{xxviii.} ²Qui cyricsceattum tenebit ultra festum Sancti Martini, reddat eum episcopo, et undecies persolvat, et regi l. sol.

§ 5. ^{xxix.} ^fQui uxoratus faciet adulterium, habeat rex ³ejus

¹ Christo *ms. Lond. et K.* ^{2'} in *ms. Lond. et K. deest.* ³ vel dominus *Sc. add.*

^a Petitum hoc videtur e cap. 12. *Fœder. Eadw. et Guth. regum*, inter leges Saxonicas, cui simile capitulum illud 33. *Legum Ecclesiast. ab Æthelredo*, 'De Pace Ecclesiæ,' (hujus edit. p. 348.) latarum. Rem renovavit postea Cnutus rex, legum suarum Sec. cap. 40.

^b Vide cap. 79. § 6, et sensum inde pete.

^c Legendum forsan 'et dominacionis emendacionem,' id est, manbot, ut Saxonibus olim dicta compensatio sive muleta pecuniaria (de qua vide Glossar. in voce Emenda) domino pendi solita ab hominem sublatum. Vide Burchard. lib. 3. c. 132.

^d Vide Leges Edgar. I. c. 3, 4. Cnuti, E. c. 8, 9.

^e Tanta inter hæc et LL. Edgari, I. c. 3, 4, uti et Cnuti, E. c. 8, 9, 10, videtur symphonia, ut quicquid hic habetur illinc suppediatum esse cuius liquere possit.

^f Vide hac de re plura apud Spelman. in Glossar. voce 'Adulterium.'

superiorem, episcopus inferiorem. § 6. ^a Qui perjurium super sancta commiserit, perdat manum suam, vel dimidiam weram suam, et hoc commune sit domino ejus, et episcopo. § 7. Qui falsum testimonium dicet, non admittatur deinceps in testimonium, set reddat regi vel terre domino *helsfang*. § 8. ^b Qui ordinatum occiderit vel malignaverit, emendet ei sicut rectum sit, et episcopo emendacionem altaris, secundum ordinis dignitatem; regi vel domino plenam infraccionem pacis; vel plena lada neget. § 9. ^{xxx.} ^c Si quis mortis reus confessionem desideret, nunquam negetur ei; quod si quis faciat, emendet regi *cx. soġ*, aut cum v. juret, quod hoc non fecisset. § 10. Si liber festis diebus operetur, emendet suum *helsfang*, et saltem erga ¹ dominum sedulo componat. § 11. ^d Si quis Dei rectitudines per vim teneat, solvat ² *lahslite* cum *Dacis*, plenam *witam* cum Anglicis, aut neget cum ³ *xī*. Si aliquem illuc vulneret, hoc emendet, et reddat plenam *witam*, et ab episcopo manum suam redimat, vel perdat eam. Si aliquem occidat, sit *utlaga*, et prosequatur eum cum clamore omnis qui rectum vult. Si efficiat ut occidatur, per hoc quod rectum contra resistat, si hoc inveritetur, inultus jaceat. § 12. Qui ordinis infracturam faciet, emendet hoc, secundum ordinis dignitatem, *wera*, *wita*, *lahslita*, et omni misericordia. § 13. Sit

¹ Deum *K*. ² *lahstung Sc*. ³ *xī. mss. Seld. Twysd. Lond. et K*.

^a Hæc et sequentia ad ista usque ‘terre domino *helsfang*’ e legibus Cnuti, Sec. c. 36 et 37. hausta videntur. Huc etiam spectat lex Edw. Senioris, cap. 3. et Æthelstani, I. c. 25. Hinc illud Bractoni, I. 4. tract. 1. c. 19. n. 2. ‘Repellitur autem’ (inquit) ‘a sacramento infamis, scil. qui alias convictus fuerit de perjurio, qui legem amittit, et ideo dicitur, quod non est ulterius dignus lege; quod Anglice, he ne es othes worthe that es enes gylty os oth broken.’ Quo tendunt etiam tradita per eum postea lib. 4. tract. 5. cap. 5. num. 1. Advertit locum cl. Selden. notis ad Fortescutum, cap. 26. quas vide.

^b Sic habetur cum postea, cap. 66. § 1. tum in legibus Cnuti regis secularibus, cap. 42, unde utrumque locum petitem credimus, cujus veterem apud Jorvalens. versionem videas, si placet, apud Spelm. Concil. to. i. p. 567.

^c Petita hæc et sequentia ad ista, ‘hoc non fecisset,’ e legibus Cnuti Sec. cap. 44, plane idem totidem verbis ordinantis, prout etiam id quod immediate subsequitur, sc. ‘Si liber festis diebus operetur,’ usque ‘sedulo componat,’ e lege ejusdem Cnuti proxime sequenti mutuatum censeo.

^d Hausta hæc videntur cum sequentibus, ad ista ‘inultus jaceat,’ e cap. 6. Fœderis Edw. et Guthr. regum, et e cap. 49. legum Cnuti Sec. sicut quæ sequuntur ex cap. 50. legum ejusdem Cnuti.

omnis vidua sine marito xii. mensibus; eligat postea quem velit; et si infra unius anni spacium capiat maritum, perdat morgangifam suam, et omnem pecuniam suam, quam ex ¹primo marito habebat, et sit maritus ejus were sue reus apud regem, vel cui rex concesserit. § 14. Si quis Dei fugitivum habeat injuste, reddat eum ad rectum, et persolvat ei cujus erit, et regi emendet, secundum ^{a 2}weregildum. Si quis excommunicatum habeat, vel utlagam, et teneat, dispereat ipse et omnis venia ejus. Et omnis emendacio communiter emendetur Christo et regi. § 15. ^{xxx.} Ubicunque recusabitur lex Dei juste servari, secundum ³diccionem episcopi, cogi oportebit per mundanam potestatem: necessaria siquidem justicia et districcio secularis in divinis plerumque legibus et secularibus institutis, quia plures aliter a suis pravitatibus revocari nequeunt, plures ad Dei cultum ac legalitatis observanciam inclinari nolunt; unde pro multa malorum infestacione, comoda pacis dispensacione provisum est, ut graviora placita magisque punienda soli justicie vel misericordie principis ⁴addicantur, ut venia petentibus et pena peccantibus abundancius habeatur. ^bIn causis autem emendabilibus, Sanctorum miseracione permissum est, ut terreni domini audeant, ex eorum licencia, pecuniam emendacionem capere, secundum legem patrie.

XII. ^{xxxii.} QUE PLACITA ⁵EMENDARI DEBEANT.

§ 1. Ex hiis placitis quedam emendantur c. so^l; quedam wera; quedam wita; ^{xxxiii.} quedam non possunt emendari, que sunt husbreche, et bernet, et openthifthe, et eberemorþ, et ^clafordiswike, et infraccio pacis ecclesie vel manus regis, per

¹ priori *Sc.* ² legergildum *K.* ³ distinccionem *K.* ⁴ adjudicantur *ms. Lond. et K.* ⁵ emendari *mss. Seld. Twysd. et Lond. commendari Sc.*

^a Impress. et *Sc.* legunt 'legergildum,' rectius 'weregildum,' et pariter corrige citata hinc per doct. Spelman. in Glossar. verb. 'Lair-wite' et 'Legergild,' et per Spelmannum sequutum cl. Vossium De Vitiis Sermonis, p. 234, verbo 'Legergeldum,' sic etenim (weregild scil.) habet lex illa, unde locum hunc petitum credimus, cap. sc. 67. legum Cnuti Sec. cui quidem in cæteris verbatim respondet.

^b Vide Præfat. ad leges Ælfredi.

^c Rectius 'hlaforðswice,' sic enim scribitur in lege unde hæc deprompta videntur cap. 65. LL. Cnuti Sec. Hujus autem et cæterarum vocum expositionem vide in Glossar. sub finem operis, 'laford-

homicidium. § 2. ^{xxxiv.} Hec emendantur c. sol: griþebreche, stretbreche, forestel, burchbreche, hamsokna, flymonfirma. § 3. Hec emendantur wera, si ad emendacionem veniat: qui in ecclesia fecerit homicidium; persolucio furti vel robarie; qui furem plegiatum amiserit; qui ei obviaverit, et gratis sine vociferacione dimiserit; qui ei consenciet in aliquo; homicidium wera solvatur, vel weralada negetur; si uxoratus homo fornicatur; qui viduam duxerit ante unum annum; ^a qui in ¹hostico, vel familia regis, pacem fregerit, si ad emendandum venire poterit; si prepositus pro firme adjutorio witam exigit. § 4. ^b Qui legem apostabit, were sue sit reus, prima vice; si secundo fecerit, reddat bis weram suam; qui tercio presumet, perdat quicquid habet.

XIII. ^{xxxv.} QUE PLACITA MITTUNT HOMINES IN MISERICORDIA REGIS.

§ 1. Hec mittunt hominem in misericordia regis: 'infraccio pacis quam per manum suam dabit alicui; 'contemptus brevium suorum, et quicquid ad propriam ejus personam vel

¹ hostio *K*.

fithe' (quod ms. Lond. habet), idem forte quod 'letherwite,' species quædam fornicationis. Vide Coci Institut. 2. p. 488. Vide cap. 23. Legerwite cap. 81. § 3. sed hic est domini proditio.

^a Vide leges Inæ, cap. 6. Ælfred. c. 7. c. 40. Cnuti, Sec. c. 60.

^b Simile habetur institutum in legibus Edw. Confess. (cf. p. 457, n.) 'De Heretochiis': 'Et qui leges apostabit' (ipsissima legis verba sunt) 'si fuerit Anglicus, vel Dacus, vel Waliscus, vel Albanicus, vel insulicola, were sue reus sit apud regem, et si secundo id faciat, reddat bis weram suam, et si quid addat tercio, reus sit omnium que habebit.' Idem iterum hic, c. 34. § 8.

^c Hanc pacis speciem 'cýníngeþ hanb-ḡnþ' et 'cyníngeþ hanb-realb-ḡnþ' Anglo-Saxones nuncuparunt, de qua vide Fœdus Eadw. et Guthr. regum, cap. 1, item leges Cnuti, E. c. 2, leges Edwar. Confess. cap. 12, Seldeni Tit. Honor. par. 2. cap. 5. § 3, quibus adde chartam Guilielmi Primi abbati Rames', de qua apud Spelm. in Glossar. verbo 'Honor.' Huic autem, ni fallor, respondet Germano-Saxonum 'handfried,' cujus meminit Gryphiander Tractat. de Weichbild. Saxon. cap. 66, uti etiam Latino-Barbarorum 'munde-burdium,' de quo Hotoman. De Verb. Feudal. in voce 'Mamburgus,' et Vossius, De Vitiis Sermonis, verbo 'Mundium.' Hinc forte protectionum apud nos origo, de quibus D. Cowellus in interprete verbo 'Protection.'

^d Hæc 'vel mandatorum suorum' præcedentia verba 'contemptus brevium suorum' immediate forte sequerentur, quomodo consimilia verba disposita videmus, cap. 10, § 1. ubi 'placitum brevium et præ-

mandatorum suorum contumeliatur injuriam; de famulis suis in civitate, vel in castello, vel ubicunque occisis; infidelitas et prodicio; despectus de eo; castellacio sine licencia; utlagaria; et qui eam faciet in jure regio sit, et si bocland habeat, in manum regis veniat; furtum probatum, et morte dignum. § 2. Murdrum XLVI. marcis reddatur, nisi malefactor infra VII. dies habeatur. § 3. Falsarii pugnum perdant, et nullo modo redimant. § 4. ^aQui injuste judicabit, cxx. sol. reus sit, et dignitatem judicandi ¹perdat, nisi se redimat erga regem. § 5. Dominica ²captalia regis celata pro furto habeantur. § 6. Violencia virgini vel vidue facta. § 7. ^bQui in domo regis pugnavit vite sue culpa sit. § 8. ^cQui in hostico pacem fregerit, vitam perdat, vel weregildo componat. § 9. Qui burchbotam, vel brigbotam, vel firdfare supersederit, cxx. sol. forisfecerit, aut nominentur ei ³XIII., et perquirat ex eis XI. ad negandum. § 10. Qui excommunicatum habet et manutenet, vel utlagam. § 11. Qui Dei recta contratenendo fecerit homicidium. § 12. ^dQui in bello campali vel navali pro timiditate fugiet a domino vel a socio suo, perdat omne quod habet, et ⁴vitam suam, et manus mittat dominus ad pecuniam suam et terram quam ei dedit, et si bocland habet, in jus regium cadat.

¹ amittat *ms. Lond.* ² capitalia *mss. Seld. Twysd. et Lond.* ³ XII. *Sc. XIII. K.* ⁴ in *ms. Lond. et K. desunt.*

ceptorum ejus.' Cæterorum sensus idem est cum eo quod in eodem 10 capite legimus, 'Quicunque' sc. 'despectus vel maliloquium de eo.'

^a Excerpta hæc videntur e legibus Edgari, II. c. 3, et Cnuti, Sec. c. 15.

^b Huc tendunt leges Inæ, c. 6. Ælfred. c. 7. et Cnuti, Sec. c. 60. Vide Burchard. lib. 6. c. 2.

^c Petita reor hæc et sequentia e legibus Cnuti, Sec. c. 62. et 66.

^d Hæc et quæ sequuntur, ad finem usque capituli, deprompta credo e legibus Cnuti regis, Sec. c. 78, quam quidem sanctionem repetitam habes in legibus Edo. Conf. (p. 456, n.) 'De Heretochiis,' verbis paululum mutatis, quæ hæc: 'Qui fugiet a domino vel socio suo, pro timiditate belli vel mortis, in conduccione heretochii sui in expeditione navali vel terrestri, perdat omne quod suum est, et suam ipsius vitam, et manus mittat dominus ad terram quam ei antea dederat. Et si terram hereditariam habeat, ipsa in manus regis transeat.' Eisdem fere verbis utitur Jorvalensis, ejusdem regis Cnuti legem memoratam Latine exprimens.

XIV. ^{xxxvi.} ^aDE RELEVACIONIBUS.

§ 1. Sint relevaciones singulorum sicut modus sit: comitis viii. equi, iiii. sellati, et iiii. sine sella, et galee iiii., et lorice iiii., cum viii. lanceis, et totidem scutis, et gladii iiii., et c. mance auri. § 2. Postea, thaini regis qui ei proximus sit, iiii. equi, duo sellati, et ii. non sellati, et duo gladii, et iiii. lancee, et totidem scuta, et galea cum lorica, et l. mance auri. § 3. Et mediocris thaini, equus cum apparatu suo, et arma ejus, et suum halsfanga, in Westsexa; in Myrcenis due libre. § 4. ¹Et thaini regis ^brelevacio cum Dacis, qui socam suam habeat, iiii. lib; et si apud regem promociorem justiciam habeat, ^cduo equi, unus cum sella, alius sine sella,

¹ *Sic ordine turbato ap. Sc.* Et thayni justiciam habeat duo equi, unus cum sella, alius regis relevacio cum Dacis qui socam suam habeat iiii. lib, *verbis* et si apud regem promotiorem *omissis*.

^a Hoc 14. capitulum 'De Relevacionibus' inscriptum videtur integre petitum e legibus Cnuti, Sec. c. 71, 73, et posteriori part. c. 74.

^b Spelman. in Glossario suo vocem 'Hereotum' expositurus hoc Cnuti regis institutum advertit, Latina legum illarum versione propria, ut videtur, adhibita. Si antiquam apud Jorvalensem versionem lector desideret, dom. Edw. Cocum adeat Instit. par. 2. pag. 8, ubi secundum Magnæ Chartæ libertatum Angliæ capitulum illustraturus, vetus quoddam ms. in bibliotheca quondam reverendis. Matthæi Cantuar' Archiepiscopi, de harum relevationum modo, laudat, quod utique Guil. I. legibus a clar. Seldeno olim in lucem editis cap. 22, 23, 24, et 29. concordat (hujus edit. p. 476). Relevationem autem inibi exhibitam injustitiæ injuste, me iudice, arguit reverendus ille, olim per universam Angliam judiciis privatis præses, cum vix aut ne vix quidem discrepet ab illa legislatoris nostri in præsentī cap. contenta, multo minus ab illa in patris ejus Guiliel. I. memoratis legibus instituta relevatione. Quod autem hic (in exemplari sc. Seldeno usurpato) 'hammes' illic 'hawmes' legitur, posterior lectio verior: vox autem 'galeas' signat nobis, vulgo 'helmets,' a Sax. 'helm,' ejusdem sensus; quod (secundo) hic 'per le cheval son piepe,' cap. sc. 24. illic 'per le cheval son pere' legitur et rectius. Vide clar. Seld. Tit. Honor. p. 625. Verba sic Latine reddo, 'per equum patris sui,' quod (tertio) hic cap. 29. (cf. p. 476.) 'et puis se serait tuz les vilains en francpledge,' illic, 'et pus sont tous les vilains in frankpledge' legitur. Posterior lectio magis placet, et sic Latine verto, 'et postea sint omnes villani in franco plegio.' Vice-versa hinc in veteri illius manuscripti capitulo, 'De Villanorum Relevio,' 'ii. chevaux, ii. boefs, ii. vaches,' melius leguntur in altero 'u cheval, u buf, u vache,' i. e. sive equus sit, sive bos, sive vacca, 'u' idem hic valente quod Gallis modernis 'ou.' De numero autem sunt equorum octo in cap. 22. (hujus edit. p. 475.) LL. Guil. I.,

et unus gladius, et due lancee, et totidem scuta, et l. mance auri: et qui minus potest, det duas libras. § 5. Et ubi bunda manserit sine calumpnia, sint uxor et pueri in eodem sine querela. Et si accusatus fuerat, dum vixerit, in aliquo, respondeant heredes ejus, sicut ille faceret, si viveret. § 6. Et persolvat omnis vidua relevacionem suam intra xii. menses, sine forisfactura, si non possit antea.

XV. DE DENEGILDO.

Denagildum, quod aliquando ^aþingemannis dabatur, i. xii. deñ de unaquaque hyda per annum, si ad terminos non reddatur, wita emendetur.

XVI. ^{xxxvii.} DE PACE CURIE REGIS.

^bTam longe debet esse pax regis a porta sua, ubi residens erit, a quatuor partibus loci illius, hoc est: ¹tria miliaria, et iii. quarentene, et ix. acre latitudine, et ix. pedes, et ix. palme, et ix. grana ordeï. Multus sane respectus esse debet, ac multa diligencia, ne quis pacem regis infringat, maxime in ejus vicinia.

¹ tria in *Sc.* aperte scribitur in linea, neque deletur, et tamen *iiii.* superinducitur. quatuor *K.*

quatuor autem in 23. (hujus edit. 20.) capitulo, relevii nomine impositorum, quorum dimidium cum bello forte inservituri sint ephippii, dimidium autem aucupio forsitan aut venationi, sine apparatu bellico, frænîs sc. et capistris ornanda; horum autem æque ac illorum in bello usus.

^a Juxta sensum loci legendum potius 'Danigenis dabatur,' nisi malis 'ringemannis dabatur'; perinde ac si Dani olim sic dicti (quod non reperio) ex eadem causa qua Danorum literaturam Runicam indigitant, de quo vide Wormii Tract. de litter. Runica. Potius Wicingemannis vel Wiccingis, quo quidem nomine piratæ Danici majoribus nostris noti. Vide Henr. Huntind. fol. 201 a. et Cambd. Britan. de Danis. Conjecturæ favent verba legis regis Edo. Confessor. cap. De Danegeldo: 'Danegeldi reddicio' (ita se lex habet) 'propter piratas primitus statuta est,' &c. Vide Worm. Monum. Dan. l. 4. p. 269.

^b 'Tam longe' pro impress. 'nam longe.' Sic etenim habetur in legibus regis Æthelredi apud Venetingum, cap. 20, (hujus edit. p. 453.) unde hoc mutuatum censeo, quod apud Jorvalensem sic Latine legitur, 'Tam longe debet esse pax regis a portu suo, ubi residens erit, a quatuor partibus, hoc est, tribus miliaribus et tribus quarentenis et tribus acris in latum et 9 ped. 9 granis ordeï.'

XVII. ^{xxxviii} DE PLACITO FORESTARUM.

^a Placitum quoque forestarum multiplici satis est incommoditate vallatum: De essartis; de cesione; de combustione; de venacione; de gestacione arcus et jaculorum in foresta; ^b de misera canum expeditacione; si quis ad ^{c1} stabilitam non venit; si quis ² pecuram suam reclusam dimisit; ³ de edificiis in foresta; de summonicionibus supersessis; de obviacione alicujus in foresta cum canibus; de corio vel carne inventa.

XVIII. DE LADA.

Francigena compellatus juret se sexto. Anglicus liber triplici lada plane, vel simplici ⁴ frangenti, vel judicio, neget.

XIX. DE JUSTICIA REGIS.

^d Hec sunt que ad justiciam vel indulgenciam regis et fiscum censentur, cum appendiciis suis, nec, sine diffinitis prelocutionibus, pertinent vicecomitibus, vel prepositis ejus, in firma sua, ubicunque, a quocunque, in quemcunque fiant, sive terra dominica regis et socna sit, sive sit alterius. Omnium terrarum quas rex in dominio suo habet, socnam pariter habet; quarundam vero terrarum maneria dedit, set socnam sibi retinuit ⁵ singularem et communem; nec sequitur socna regis data maneria, set magis ex personis.

¹ stabilitatem *K.* ² placitis *mss. Seld. et Twysd.* ³ *ms. Lond. et K. omittunt.* ⁴ franget *ms. Lond. et K.* exigenti *Wilk. unde nescio.* ⁵ *ms. Lond. et K. add.*

^a Manwoodus noster, præfatione ad suum de legibus forestæ tractatum, locum hunc, correctis corrigendis, sic exhibet: 'Placita quoque forestarum satis sunt incommoditat. vallat. sicut de assartis.'

^b En hic canum expeditationem ætate Henrici regis Primi invaluisse. Fallitur igitur Manwoodus noster commentum hoc loco genuiscissionis prius usitatæ, et vulgo a poplite 'hambling' dictæ, excogitasse primo Henricum Secundum et vocabulo initium dedisse, prætendens in suo, de quo supra tractatu, cap. 16. § 12, quem eo fine laudat Spelm. in voce.

^c Idem forte stabilitas heic quod junioribus forestariis (vox enim est forestica) 'stableia,' de qua voce D. Ed. Cocus Instit. par. 4. p. 306. verbo 'Bucstall' et verbo 'Tristis.' Plura, si placet, videas in clar. Cowelli Interpr. in voce 'Stablestand.'

^d Ad causas et negotia hic respicit legislator quæ in cap. 10. et seq. hucusque enumerantur.

XX. XXXIX. 1 DE SOCNA ET THOL ET THEAM.1

§ 1. Participancium quoque causarum partim in socna, i. in questione sua, rex habet, partim concedit aliis. Omnis autem socna simplex est habentibus aut conjuncta. In custodia vero trina principaliter distincta: sub prepositis maneriorum, in ²causis adjacentibus hallemotis; sub prelatis hundretorum et burgorum; sub vicecomitibus. § 2. Archiepiscopi, episcopi, ³comites, et alie potestates, in terris proprie ⁴potestatis sue, sacam et socnam habent, tol et theam et infongentheaf; in ceteris vero, per empcionem, vel cambicionem, vel quoquo modo perquisitis, socam et sacam habent, in causis ⁵omnibus et hallemotis pertinentibus, super suos et in suo, et aliquando super alterius homines; ⁶presertim si in forisfaciendo retenti vel gravati fuerint, et illic competentem emendacionem habeant. § 3. Singulorum ⁶baronum, senatorum, et clericorum, laicorum, ubicunque habeant terram, sive socna regis sit vel non, in capitalibus questionibus socna regis est, ⁷sicut a ^bCnuti, vel Edwardi legibus, per successiones posteras, hereditaria dignitas successit; nisi vel ⁸propinquitate, vel aliqua dignitate meritorum, regis indulgentia quemcunque respexerit, cujus amanda bonitas promovet potius, non evertit libertatem.

¹ in *Sc. deest*, *ms. Seld. tantum habet* De socna. ² *muß Sc. causis ms. Lond. et K.* ³ in *ms. Lond. et K. deest.* ⁴ *potentatus Sc.* ⁵ *communibus ms. Lond.* ⁶ *denique ms. Lond. et K. add.* ⁷ *Edmundi K. add.* ⁸ *propinquitate mss. Seld. Twysd. et Lond. propinquante Sc.*

^a Simile habemus postea cap. 27. a clar. Seld. Tit. Honor. par. 2. c. 5. p. 626. de vavasoribus verba faciente, integre citato. Quod autem scriptum occurrit hic 'gravati' scribendum reor 'cravati,' et similiter alibi in his legibus non semel scriptum reperitur. Verbum autem quid significet, et unde dictum sit, quære in Glossario sub finem operis. Quod ad 'retencionem' attinet, pluries in his legibus obviam, vide Leges Burg. apud Scotos, cap. 80.

^b Vide leges Cnuti, Sec. cap. 12, 13, 14, 15. quo, ni fallor, respicit legislator noster in sequentibus, 'nisi vel propinquitate vel aliqua meritorum dignitate regis indulgentia quemcunque respexerit:' quo tendunt hæc in cap. 12. et 15. memoratis 'butan he hþæne fupþor gemæðþian pille.' Huc pertinet illud Bractoni, l. 3. tract. 2. c. 8. n. 3. 'nisi sit, inquit, aliquis in regno qui regalem habeat potestatem in omnibus, sicut sunt comites paleys (ita locum legit cl. Seld. Tit. Honor. par. 2. c. 5. p. 639.) salvo dominio domino regi sicut principi, vel si sit aliquis qui de concessione regis talem habeat libertatem,' &c.

XXI. ^{XL} DE GENERIBUS CAUSARUM.

Sunt eciam, ¹ut diximus,¹ quedam genera causarum permissa singularitate licencius expedita, in quarum emendacionibus rex particulariter communicat, ubicunque fiant, in divinis vel secularibus, super regios, et ecclesiasticos, et baronum homines, et acefalos, et pauperes; sive socnam totaliter habeat vel particulariter; ex quibus sunt adulterium; homicidium in ecclesia factum; infraccio pacis, vel ordinis, vel Christianitatis, vel legalitatis; si cogi oporteat per mundanam potestatem ut rectum fiat.

XXII. ^{XLII} DE GRITHBRECHE ET HAMSOCNA.²

^aSepe eciam ex justicia placitancium cause transeunt in jus aliorum, ex ³aggeracione rerum: ut qui ⁴nominant et ⁴permittunt grithbreche, vel hamsocnam, vel eorum aliquid quod socnam et sacam eorum excedit; ipsa ⁵nocendi cupiditate prepositi, dum ad witam castigacius posset inflecti; difforcacione recti; miscravacione; presumptis accusacionibus; tarditate, ut qui in prefectura vel qualibet potestate constitutus, sepe differt exigere dum licet, quod sepe cum labore frustra que prosequitur destitutus: transeunt autem in mislocucione, miskenninge, que magis inhorruit in Londonia.

XXIII. DE FORISFACTIS.

§ 1. Siquis blodwitam, fightwitam, legerwitam, et huiusmodi forisfaciat, et inde veniat, ^bsine ⁶dividiacione vel calumpnia, placitum domini sui est. § 2. Nemo eciam de cesione

¹ in *ms. Lond. et K. deest.* ² De grindebreche. *ms. Lond.* ³ aggeracione *mss. Seld. Twysd. et Lond.* ⁴ promittunt *Sc.* permittunt *mss. Seld. Twysd. Lond. et K.* ⁵ noscendi *Sc.* nocendi *K.* ⁶ dijudicacione *ms. Lond.* dividicacione *K.*

^a Hac de re vide cap. 9. § 4.

^b Doct. Spelm. in Glossar. verbo 'Lairwite' habet hæc 'sine dijudicatione vel calumpnia; hæreo. Dividiacione (divisionem intelligo) magis placet, præsertim cum post causarum participantium in præcedentibus catalogum, res, causas, et crimina, in quibus cuiusque propriis (manerii sc.) Dominus solummodo absque particeps seipsum immiscet, et multas inde reportat, legislator hic recenseat: nisi malis, 'sine dividiacione,' i.e. sine vadio dato sistendi se alibi coram iudice nimirum loci, ubi deliquit, et damnum, si reus foret,

^anemoris inoperati jure cogitur respondere per withertihlam, nisi domino suo, vel captus in eo. § 3. ¹Idem dicimus de commissis monacho, monache, sponse, pueris, servo, ancille, sine legitima prelatorum suorum licencia. § 4. De monacho, quem obedienciarium ²fecerit, respondeat abbas ejus per omnia, sicut rectum sit. § 5. ^{XLII.}Eorum eciam est consecucio et reduccio furum sine calumpnia. § 6. Recepcio quoque fugitivi, secundum legem quesiti, quicquid referat preter furtum.

XXIV. ³DE JUDICIS FISCALIS JURE.

Super barones socnam suam habentes habet judex fiscalis justicie legis observanciam, et ⁴quicquid peccabitur in eorum personam; nemo enim forisfacturam sui ipsius habuit, sed fortasse dominus ejus. Et qui furem ei promisit, vel robariam, vel pacis fraccionem, vel deinceps similia, accusatum convincat, vel inde componat. Et si forisfaciant, emendent sicut alii; nullus enim socnam habet impune peccandi. ⁵Si prepositus regius, in terra socnam habencium, forisfactum prior sciati, non tamen habeat, nisi socnam illam excedat.

XXV. ^{XLIII.}DE PRIVILEGIIS PROCERUM ANGLIE.

Si exurgat placitum inter homines alicujus baronum socnam habencium, tractetur placitum in curia domini sui, ⁶de causa communi. Si est inter homines duorum dominorum socnam habencium, ^brespondeat accusatus in curia domini sui, de causa communi.

¹Deinde *K.* ²fecerint *K.* ³*Sc. duo habet lemmata hujus capitis, De judiciis fiscalibus. De judicis fiscalis jure.* ⁴siquid *ms. Lond. et K.* ⁵Sed *ms. Lond. et K.* ⁶*in ms. Lond. et K. desunt.*

refarciendi. Adstipulantur tradita in cap. 41. § 1. 52. § 1. 57. § 2. 62. § 3. et placito apud Pinendenam in clar. Seld. Notis ad Eadm. p. 199. et Wilk. Conc. t. 1. p. 323.

^a Per nemos inopertum intelligo nemus sepibus aliisque sepimentis prædatorum invasionem obstare valentibus carens, ideoque ingressui publico omniumque prædis et rapinis obnoxium. [Codd. Sc. et K. 'inoperati' legunt.—*T.*]

^b Institutum sane juri tam civili quam pontificio concordat, quæ actorem volunt sequi forum rei. Vide Matth. Steph. De Offic. Jud. l. 1. c. 8. n. 10. 'Procerum' hic in titulo capitis appellatione qui habendi, vide apud Spelm. verbo 'Baro.'

XXVI. DE FURTI PLACITO.

Defensor aut dominus de furto pulsatorum, si semel aut amplius respectaverit erga vicinum diem, vicinaliter et absque justicie majoris auctoritate conductum, curiam suam perdet; pulsator autem quos pulsaverit ad majorem audienciam protrahendi potestatem accipiet. Porro qui accusantur, presertim pro capitalibus, si diem sic conductum subterfugiant respectatum, partem suam, etsi non mortuam, faciunt tamen egriorem. Planum est denique pro tali causa ¹conductum diem, ²nec semel' quidem, salva curia vavassoris, licere respectari, nec accionem hujusmodi sine regie potestatis ministerio debere finiri; que magis vitanda sunt, si quis de furto seisiatus sit. Si lex inde jam judicata ³sit, ⁴coram regis ⁵ministerio causa fuerit.

XXVII. DE LIBERTATE VAVASORUM.

Habeant autem vavassores, qui liberas terras tenent, placita que ad witam vel weram pertinent super suos homines, et in suo; et super aliorum homines, si in forisfaciendo retenti vel gravati fuerint.

XXVIII. DE EQUO JUDICIO FACIENDO.

^b In omnibus agendis, inoffensus esse debet ⁵judicium affectus, non suspectus; 'gravius enim lacerantur pauperes a pravis judicibus quam a cruentis hostibus; et diligencia testium et personarum omnium digna Dei auribus perscrutacione pensanda est, ut ydonea sit, et cui ab adversario jure contradici non possit: et ipsi coagentes frequenter interrogandi sunt, an

¹ conductum *mss. Seld. Twysd. et Lond.* conductum *Sc.* ^{2'} vel *K.*
³ sit *bis Sc.* ⁴ ministro *ms. Lond.* ^{5'} judicium *ms. Lond. et K.*

^a Quod ad præsentiā ministri regis attinet, vide leges Æthelredi, I. c. 1. leges etiam Edo. Confess. cap. 9. et Glanvill. l. 14. c. 1. fol. 113 b.

^b Excerptum hoc videtur e libello 'De Officio Judicis,' a doctiss. Spelman. in Concil. tom. 1. p. 532. in lucem edito, ubi verba hæc habentur ipsissima. Quo quidem in capitulo hæc corrigenda, sc. lin. 6. pro 'rectori' lege 'recitari,' lin. 8. pro 'excitant' lege 'excaecant,' lin. 18. pro 'pravos judices' lege 'pravos inimicos,' lin. 29. pro 'accedere' lege 'attendere.'

^c Vide cap. 33, 34. Ex dictis Isidori Burchard. Decret. lib. 16. c. 26. Vide 'De Officio Judicis.' Concil. Spelm. tom. 1. p. 532.

amplius¹ dicere velint, an inde judicari? quia multa per subreptionem eveniunt. Tanto enim majus est periculum judicantis quam ejus qui judicatur, quanto, ex verbis Domini, judicium super alios habitum nobis scimus reservari; et licet infinita delinquentium multitudo modum miseracionis incommodet, uno verbo ²concludimur: 'quod tibi non vis fieri, alii ne feceris.'

XXIX. ^{XLIV.} QUI DEBENT ESSE JUDICES REGIS.

§ 1. Regis judices sunt ^abarones comitatus, qui liberas in eis terras habent, ^bper quos debent cause singulorum alterna prosecutione tractari; villani vero, vel cotseti, vel ferdingi, vel qui sunt viles vel inopes persone, non sunt inter legum judices numerandi; unde nec in hundreto vel comitatu pecuniam suam

¹ aliquid *K. add.* ² concluduntur *MSS. Seld. Twysd. et K.*

^a Quomodo iste locus (cui consimilis antea, cap. 9. § 8.) sit intelligendus vide Spelm. Glossar. verbo 'Barones comitatus.' Bractonus, lib. 3. tract. 2. c. 1. n. 1. qualiter procedere debeant justitiiarii in itinere suo, et quo ordine verba faciens, de majoribus loquitur de comitatu, 'qui (inquit) dicuntur busones comitatus: quæ verba (qui dicuntur busones comitatus) desiderantur (inquit Spelm.) in codice nostro ms. Expresse ratum habet verbum 'busones' D. Edw. Cocus Instit. par. 4. p. 185. etymologia ibidem adhibita, violenta licet. Certe variam loci lectionem in libri initio interim minime advertibat, ubi plane quod hic 'busones' 'barones' legitur, et sic legendum censeo. Milites comitatum vocat hos Charta Libertatum regis Johannis apud Matth. Parisium, p. 257. Huic autem par est institutum illud in Veteri Norman. Custumario, cap. 9. et 123. edit. Lat. ubi locorum citatorum priore hæc: 'Judiciarii autem sunt discretæ personæ et auctenticæ, qui judicium proferunt in curia de auditis, ut archiepiscopi et episcopi, et ecclesiarum cathedralium canonici, et aliæ personæ in ecclesiis dignitatem obtinentes, abbates et priores conventuales, et rectores ecclesiarum, quos fama discretionis ac honestatis fide dignos efficit ac commendat. Baillivi siquidem atque milites omnes et servientes spadæ principales et seneschalli baronum, quos honestas atque discretio fecerit fide dignos.' Altero autem loco sic: 'Recordatores autem dicuntur omnes personæ in curia assistentes, per quos curiæ recordatio valeat celebrari: ut princeps Normanniæ, archiepiscopi, et omnes personæ dignitatem seu personatum habentes in ecclesia cathedrali, abbates et etiam priores conventuales, comites, barones et omnes milites, et omnes principes, justiciarii, vicecomites, et etiam spadæ servientes, et magnæ famæ homines, quos vitæ meritum et prudentiæ honestas fecerit fide dignos.'

^b Ecclesiastic. xxxviii. 25, 33. supra, cap. 9. Burchard. lib. 16. cap. 26. 'Judices quales debent esse.' Exod. xviii. 21. Deut. i. 13.

vel dominorum suorum forisfaciunt, si justiciam sine iudicio dimittant; sed, submonitis terrarum dominis, inforcietur placitum ¹termino competenti, si fuerint vel non fuerint antea submoniti, cum ²secuti jus estimatis. § 2. Qui ad hundretum submonitus, sine aliqua et vera necessitatis causa, venire noluerit, capiatur de suo triginta denarii valens, prima et secunda vice, et in hundreto namium sit ³; per plegium vero dimittatur ad diem disracionandi vel emendandi, et seisiatus placitet, et sit pro capitali suo, ⁴et non ducatur hoc namium extra hundretum.

§ 3. Qui ad comitatum, secundum legem submonitus, venire noluerit, xx. marci culpa sit, in Westsexa: et si de nominatis placitis inplacitatus non erat, termino congruo, cause sue prosequende facultatem habeat. Si de nominatis placitis terminum non susceperat, nisi competens ⁵soinus eum detineat, si non venerit, omnium reus sit, de quibus placitum nominatum suscepit. § 4. ⁶Si opus est, licet in placitis iudicibus, qui aderunt, respectare placitum ex ⁷abundanti, donec senatores absentes interesse possint, vel ipsi iudicium inquisierint, nec jure cogendi sunt ad ⁸jurandum, quod nesciant iudicium inde.

* judican-
dum?

XXX. DE LIBERTATE PROCERUM IN PLACITO COMITATUUM.

Si quis baro comitatus contra vicecomitem placitet, potest retinere suos homines a iudicio, maxime tamen si de eo teneant; nisi de furto vel de illis sit ⁹qui simul abjuravimus.

* que?

XXXI. DE CAPITALIBUS PLACITIS.

§ 1. In summis et capitalibus placitis unus hundretus vel comitatus iudicetur a duobus, non unus duos iudicet. § 2. ¹⁰Si inter iudices studia diversa sint, ut alii sic, alii aliter fuisse contendant, vincat sententia meliorum, et cui justicia magis

¹ testimonio *ms. Lond. et Sc.* ² securius estimasset *ms. Seld. et K.*
³ essoinus *mss. Seld. Twysd. Lond. et K.* ⁴ Sed *Sc.* Si *K.* ⁵ com-
petenti *mss. Seld. Twysd. Lond. et K.*

^a Quod sequitur, opinor, additur, ne 'vetitum (ut vocant) namium' contraheretur, de quo vide Bracton. De Corona, cap. 37.

^b Unde pignus vel rem eo nomine prehensam aut captam extra hundredum, i. e. centuriam, ut vocant, abigere, inter juris nostri municipalis corruptelas, ab Horno in suo Justiciariorum Speculo, cap. 5. sect. 1. enumeratas locum obtinet, num. 78.

acquieverit. § 3. ^{XLVI.} ^a Interesse comitatui debent episcopi, comites, et ¹ cetera potestates, ^b que Dei leges et seculi negocia justa consideracione diffiniant. § 4. ^{XLVII.} ^c Recordacionem curie regis nulli negare licet; ^{XLVIII.} alias licebit per intelligibiles homines placiti. § 5. ^{XLIX.} ^d Et nemo de capitalibus placitis testimonio convincatur. § 6. Si quis iudices suspectos habeat, advocet aut contradicat. § 7. ^{L.} ^e Unusquisque per pares suos iudicandus est, et ejusdem provincie: ^f peregrina

¹ ecclesie *ms. Lond. et K.*

^a Sumptum est hoc ut videtur e legibus Edgari, II. c. 5. et Cnuti, Sec. c. 18. Hac autem de re plura, si placet, videas clar. Somner. in *Antiq. urbis Cantuar.* cap. 350. et hic retro, cap. 7. § 2.

^b Filium hic habes contra patrem, adversantur enim hoc sancito illi Guiliel. I. patris legislatoris nostri, quo sacrum a civili discriminavit forum. Etenim florente Saxonum imperio, una agebantur quæ ad forum pertinent ecclesiasticum et quæ ad seculare, donec Guilielmus Conquestor divisis jurisdictionibus hanc ab illa separavit. (Cf. p. 495.) De quo vide clar. Seldeni ad Eadmerum notas, pag. 166, et Spelman. Glossar. in voce 'Hundredus,' ut plures alios mittam.

^c Simile habes postea, cap. 49. § 4. Vide etiam Glanvill. li. 8. c. 9. et Vetus Norman. Custumar. c. 121. in Gallico, in Latino autem, cap. 123. quibus adde hæc e relatione iudicii a baronibus in Thomam archiep. Cantuar. lati, e Stephanide excerpta, et per clar. Seldenum Tit. Honor. par. 2. ca. 5. p. 706. exhibita. ' Archiepiscopus autem quia sententiæ vel recordationi curiæ regis Angliæ non licet contradicere sustinuit.' Vide etiam leges Guiliel. Primi, I. c. 21. extrem. De verbis autem hic postremis 'alias licebit,' vide eund. Glanvill. l. 12. c. 7. et D. Edw. Cocum Instit. par. 1. fol. 117 b. et fol. 168 b.

^d Sensum loci petas e cap. 48. § 4. ubi hæc: 'Nec liceat domino, (sic lege, non 'domini') vel justicie testibus aliquem sine contradiccione vincere.' Id est, nemo condemnandus, licet testibus convincatur, nisi data prius venia seipsum, si valeat, defendendi, et probationes vel testimonia in ipsum allata improbandi, juxta illud in capitul. Kar. et Lud. Impp. l. 70. c. 130. 'Nemo debet iudicari aut damnari priusquam accusator præsens habeatur, et spatium non modicum defendendi accipiat accusatus ad abluenda crimina.' Simile habes retro, cap. 5. § 8. 'Nec oportet quemquam iudicari.' Vid. *Magnam Chartam*, c. 29.

^e Notanda hinc antiquitas iudicii apud nos per pares. Longe tamen altius peti potest, a legum sc. Inæ, cap. 55. et alibi. Hac autem de re vide D. Edw. Cocum, Institut. par. 2. pag. 28, 48, 49, 50, et feudistas de paribus curiæ, imprimis Lindenbrog. Glossar. in voce 'Pares.'

^f Inculcatur hic quod prius institutum cap. 5. § 2. concordat capitul. Kar. et Ludov. Impp. l. 7. c. 230. 'Peregrina,' inquit, 'iudicia generali sanctione prohibemus,' &c. Quæ sequuntur ibi e synodo Nicæna petuntur, ut in doct. Spelm. Concil. to. 1. p. 273. ca. 141. videre est.

vero judicia modis omnibus submovemus; et quicquid adversus absentes, in omni loco vel negotio, vel a non suis iudicibus, ¹agitur, penitus evacuetur. § 8. In ²quibusdam locis utrumque eligitur iudicium, medietas ab eis quorum est negotium, ^{LI}et ibi testes nominati et electi sunt habendi, nisi odium vel aliquid competens in nominatione proponatur, cur haberi non possint. ^{LII}In Westsexa duo modi testium sunt, nominati et electi, ³electi ^{LIII}et non nominati iudices constituti advocati.

XXXII. NE ALIQUIS JUDICET DOMINUM SUUM.

§ 1. Nemo solus presumat, vel ab aliquo cogatur, iudicium celebrare, nec summorum quispiam minorum iudicatione dispereat. § 2. ^aNemo dominum suum iudicet, vel iudicium proferat super eum cujus ligius sit, si etiam de principis causa sit. § 3. Si dominus placitet contra suum hominem, potest in consilio suo iudices habitos inforciare, si opus sit.

XXXIII. DE PLACITO TRACTANDO.

§ 1. ^bSi quis in curia sua, vel in quibuslibet agendorum locis, placitum tractandum habeat, convocet pares et vicinos suos, ut, inforciato iudicio, gratuitam, et cui contradici non possit, iusticiam exhibeat. ^cDefectus quippe iusticie, et violenta recti eorum destitutio est qui causas protrahant in jus regium, vel ⁴iurisdictiones dominorum. § 2. Injusto quoque iudicio contradici poterit wemminge majori et sapienciori, presertim si in reddicione fuerit advocatum. Si vero sine calumpnia ⁵reperiatur, et deinceps causam illam quis informare cupiat, non procedet in ⁶sceleribus, ut opus sit iudicibus narrationes repetere iudicii, maxime si dominus querimonie interfuerit, vel dapifer, vel minister ejus, vel congruum inde terminum tunc ⁷habuit. § 3. Si dominus placitet contra hominem suum, ⁸respectare potest et differre, dum velit; quia non frangit, nisi major iusticia intersit. Erga parem, vel

¹ agitur *ms. Lond. et K.* agunt *Sc.* ² quibus *Sc.* quibusdam *K.*
³ in *ms. Lond. deest.* ⁴ dicionem *ms. Lond. et K.* ⁵ recipiatur *K.*
⁶ celeribus *Sc.* sceleribus *K.* ⁷ habuerit *K.* ⁸ representare *ms. Lond.*

^a Magna Charta regis Johannis apud Matth. Paris. anno 1215. de persona regis, reginæ, et liberorum expressa cautio habetur.

^b Vide cap. 28.

^c Vide cap. 59. § 19.

vicinum suum, vel alterius hominem agens, viderit ne pro recti penuria sine iudicio dimittat eum tercio; quia curiam suam inde perderet et placitum, et emendaret. § 4. ^a De libro Theodosiane legis, injuste victus infra III. menses reparet causam¹; quod si neglexerit, sententia collata, perseveret. § 5. ^b Judices sane non debent esse nisi quos impetitus elegerit. § 6. Augustino juris forensis est, qui in impeticionibus mentitus est, non ei prosit quod impetravit; Ieronimo, equum iudicium est, ubi non persona set opera considerantur.

XXXIV. ² DE PLACITO TRACTANDO IN JUSTO
JUDICIO.

§ 1. Si quis ira, vel odio, vel timore, vel amore, vel cupiditate, vel quoquo respectu, injustum iudicet, vel unlagam constituat, cxx. sol culpa sit, et ³ ðegenscypes et omni iudiciaria dignitate privatur; ⁴ nisi se erga regem redimat, sicut in ejus misericordia erit: in Denelaga ⁴ lahlite, nisi super sancta jurare poterit, quod melius et reccius nescivit: sive in comitatu, vel quovis placito regis fiat, de sua vel alterius causa, vel inter compares in curiis, vel divisis, vel locis suis, vel inter dominum et hominem suum, ⁵ ubique sit interdictum. Pensandum est eciam, si de pecunialibus, vel capite plectendis ⁶ accionibus, et an scienter vel inscienter hoc acciderit; sepe enim culpa malum aggravat, et were, vel wite, vel lahlite discrimen infatuat. § 2. Si quis injustum iudicet et affligat, wera componat. § 3. ^c Qui justum iudicium ordinabiliter habitum, et legitime

¹ suam *ms. Lond. et K. add.* ² De forisfacto iudicio injusto. *ms. Lond.* ³ honore *K.* ⁴ lahlites *Sc.* lahlite *K.* ⁵ utrique *Sc.* ubique *K.* ⁶ occasionibus *K.*

^a Habe hic integram legem e codice meo Theodosiano edit. Basil. an. Dom. 1528, lib. 2. tit. 9. De reparationibus appellationum Imp. Valent. et Valens AA. ad Modestum P. F. P. 'Reparatis intra mensem tertium ex priore lege temporibus in notitiam hoc ipsum adversarii per denuntiationem ex more celebrandam jubemus sine dilatione perferri, scilicet ut interjectorum spatiorum dinumeratione servata ad debitum partibus iudicium revertantur. Quod si is, cui reparata sunt tempora, ultra dinumerationem crediderit differendum, lata adversus eum sententia roboretur, atque in executionem semel iudicata judicantur. Dat.' &c.

^b Vide supra, cap. 5. § 4. et Spelm. p. 273. cap. 141.

^c Non multum recedunt hæc a sancitis in ante memorati Cnuti lege Sec. c. 15, versus finem apud Jorvalens. sic Latine reddita, cap. 35. 'Et qui recte legi vel justo iudicio refragabit, reus

redditum, improbaverit, si regis accio sit, overseunesse judicetur, i. ^{lv}. L. soġ in Westsexa; si erga comitem, XL. soġ; erga hundretum, xxx. soġ ¹ex v. đ., ²qui faciunt v. manċ, ut soġ ²deñ XII. computetur, et deinceps in aliis estimetur, sicut eorum overseunessa erit. § 4. ^bVadium affirmandi vel contradicendi iudicium in reddicione debet dari. § 5. ^cSi quis in placito per ³justiciam posito sui vel suorum causam injustis conterminacionibus vel contrapositionibus difforciet, hanc perdat, et de cetero rectum faciat, sicut hundreto vel iudiciibus videbitur ydoneum. § 6. ^dEt nemo apud regem proclamationem faciat de aliquo, qui ei, secundum legem, rectum offerat

¹ et K. ² xx. duo deñ *ms. Lond. et K.* ³ in Sc. iudicium *linea scribitur, et justiciam superinseritur, nec deletur iudicium; vide tale supra notatum, cap. 16.*

habeatur erga eum, cui pertinebit; erga regem sit 120 solid. sit erga comitem 60 solid. sit erga hundredum 30 solid. sit erga singulum eorum, si sic accidat in Anglorum laga, in Danelaga lahslihte.' Vide Leges Guil. Primi, I. 39.

^a Vide cap. 35. § 1. et Glossar. infra in 'Manca.'

^b Sensus si quæatur loci, ni fallor, idem est quod Bractono 'vadium defendendi per appellatum,' et 'vadium disrationandi per appellatorem datum.' De quo vide eum lib. 3. De Corona, c. 20. num. 1.

^c Innovatur hic lex illa Cnuti regis, Sec. c. 27. quam his verbis exhibet Jorvalensis: 'Et qui in placito seipsum vel hominem suum distortis compellationibus defendere præsumperit, habeat totum hoc forspecen, et continget de reliquo sicut hundredo rectum videbitur.' 'Conterminatio' et 'contrapositio' hic recriminationem signant, de quibus plura infra in Glossario. Quod autem hic 'conterminationibus' in *ms. Lond.* scribitur 'concriminationibus.'

^d Idem omnino instituit in legibus suis Edgarus, II. c. 2. et Cnutus, Sec. cap. 17. unde forte hoc desumptum. Simile etiam habetur in legibus Guilielmi Primi, I. 43, ubi hæc: 'Nemo querelam ad regem deferat, nisi ei jus defecerat in hundredo vel in comitatu.' Sic versio legis illius Latina, verbatim ad fidem earundem legum exemplaris Normanno-Gallici ibidem e regione exhibiti. Deesse autem videtur 'ne' inter 'li' et 'seit' in Gallico, uti inter 'ei' et 'defecerit' in Latino 'non,' quo (uti sensus vult) rite addito exacte respondet institutum illud prioribus, unde, ut verisimile est, traductum est legibus. De verbis satis, de re nunc aliquid. Claret hic prisce seculi ratio in justitia quærenda: 'Litium enim vis præcipua (nobilis Spelmanni verba sunt Glossar. verbo 'Comitatus,' vide etiam harum legum nobilis editor. præfat. pag. 1.) tunc rure agebatur, nimirum aut in villis coram domino villæ seu manerii, aut in hundredo coram domino hundredi, aut in comitatu coram comite, seu vicario ejus, quem Saxones *gepefa* et *rcip-gepefa* vocabant, Normanni vicecomitem. Ab his ad curiam regis provocare non liceat, nisi deficiente justitia. Hodie spretis curiis omnibus rusticanis curiam

in hundreto suo. § 7. Qui aliquem ^aerga justiciam accusabit, et presertim in quibus convictus, vite jacturam, vel honoris detrimentum pateretur, et mendacium denique pernoscat, linguam perdat, vel wera sua redimat. Cum autem hoc ubique notandum sit, in domino et magistro maxime detestandum erit. § 8. ^bQui prevaricator vel eversor conscripte legis extiterit, were sue culpa sit, prima vice, Dacus, Anglicus, quicunque sit; secunda vice, dupliciter; qui tertia vice presumpserit, quicquid habet perdat.

XXXV. DE OVERSEUNESSE REGIS.

§ 1. ^cOverseunesse regis est, in causis communibus, xx. manċ, que faciant l. soċ. In Westsexa, regine xx. manċ, episcopi x. manċ, comitis x., ¹thaini vel baronis v. ²m. § 2. In causis regiis, grithbreche c. soċ, strethbreche c. soċ, forestel c. soċ, hamsocne c. soċ, borhbreche c. soċ; et deinceps, ^dsicut prediximus, emendabitur wita, wera, juxta culpam potius quam personam.

XXXVI. QUI PERDUNT OVERSEUNESSAM.

§ 1. De illis qui nominatam overseunessam non habent², set in quibusdam causis eam perdunt, honorabilius est, ut, si quid in eos vel in suos peccabitur, armis hoc et honoribus, pro modo singulorum, emendetur; nemo enim overseunessam sui ipsius habet, sed fortasse dominus ejus: amicie tamen est, non necessitatis, ut in quibus causis overseunessam suam quis amittit, dignis satisfaccionibus honoretur. Si talis est qui

¹ in ms. Lond. et K. desunt. ² vel habent ms. Lond. et K. add.

regis imprimis advolant, imo levissima sæpe jurgia tota peragrata Anglia Londonum appetunt, rusticanis curiis animam interea exhalantibus.

^a 'Erga justiciam,' id est, 'justiciarium.' Quod autem hic statuitur nihil aliud est quam quod antiquiores in legibus sec. scil. Edgari regis, II. c. 4. quam quidem legem recensuit Cnutus rex in legum suarum Sec. c. 16. Vide supra, cap. 5. § 12.

^b Simile habes in legibus Cnuti, Sec. c. 84. In hoc tamen discrepant, quod hæc præsens sanctio generalis, illa particularis, leges ejusdem regis solummodo respiciens. Vide leges Æthelstani, I. cap. 26; huic etiam simile reperitur antea, cap. 12. § 4.

^c Vide cap. 34. § 3.

^d Se refert legislator ad caput proxime præcedens, ubi hæc: 'Sæpe enim culpa malum aggravat,' &c.

peccaverit, ut non sit opus vel honor aliquid de suo accipere, laudabilius est, ut totum dimittatur ei, vel, si ita procedat, ut in eum vindicetur. Quod si juramentum pacacionis exigitur, juret, sicut presens causa dictabit, in circumstanciis, vel paupertatis, vel qui aderunt obtentibus; quod si ille sic esset pro hujusmodi forisfacto, hoc reciperet, vel hoc modo dimitteret. Quod autem in pacacionem hoc modo datur, aliquando competenter retineri potest, ¹'aliquando non potest.' § 2. Si quis alii malefactum suum emendaverit, vel dampnum suum restituerit, et postmodum, ex ejus amicitia consequenda, aliquid ei cum juramento pacis offerat, ad laudem est ei cui offertur, ²si totum reddat, et non contumelie sue suggestionem retineat; satis enim esse debet, si ex judicio forisfactum emendavit, et pro habenda dilacione seipsum ei quodammodo exposuit, ut et metuendus ostendatur cui rectum fieri expediat, et ejus esse meriti cujus et amor prosit, et odium officiat. Si vero contigerit, ut pro emendacione et satisfaccione auferatur aliquid, recipi debet, et retineri potest, ex toto vel ex parte, sicut causa dictaverit.

XXXVII. ³DE CESIONE NEMORIS./

* Mundbreche, et blodwita, et wudehewet, preter parcum et forestam, communi emendacione componuntur regi et thainis, i. v. manč. Si wudehewet, i. nemoris cesio, in parco regis vel foreste fiat, ⁴xx. manč emendetur; nisi ⁵prohibicio propensior amplius exigit.

* Pundbreche?

XXXVIII. DE SCHELDWITE.

Si scyldwyta extra burgum et curiam fiat, ^axxx. đ. emendetur regi et thainis; nisi de aliquo nominatim prohibitum sit, in quo overseunessa forisfactum accrevit.

XXXIX. DE FORISFACTURA SANGUINIS.

In quibusdam locis, qui blodwitam, i. forisfacturam sanguinis,

¹ in ms. Lond. et K. desunt. ² quod ms. Lond. et K. ³ in Sc. desunt. ⁴ xxx. ms. Lond. et K. ⁵ propositis ms. Lond. propositio K.

^a Firmante cap. 40. ubi parci infractura alibi quam in curia regis quinque mancis mulctatur. Quinque vero mancae et triginta solidi in diebus illis sese mutuo exæquabant, ut plenius docebitur in Glossar. verbo 'Manca.' Vide etiam cap. 37. [mss. vero xxx. đ legunt.—T.]

fecit, solummodo reus est: ^ain quibusdam eciam, qui patitur; ut nec agens impunitate superbiat, nec contumeliatus fedis emendacionibus assuescat.

XL. ^b1 DE INFRACTURA PARCI.

Si pundbreche, i. infractura parci, fiat ^{LVI}in curia regis, plena wita sit; alibi v. manč. Pundbreche fit pluribus modis: emissione, evocatione, recepcione, excussione; que tamen omnia, secundum prelationem et subjeccionem causancium, multimode variantur; in omnibus enim causis distancia est loci, temporis, persone, eventus.

XLI. ^{LVII} QUOD UNUSQUISQUE OVERSEUNESSAM DEBEAT HABERE.

§ 1. Unusquisque dominus plenam overseunessam suam habeat, secundum locum et modum culpe, de homine suo, et qui sunt ejus super terram suam. Quod si diversos feodos quis teneat, overseunessam que ad feodum attinet, et inde tenentibus, et inibi forisfacientibus, ²habet: super alterius vero homines, tantum unusquisque baro vel thainus recipiat quantum redderet ei. Si quis autem, ubi forisfecerit, retentus aut divadiatus sit, plene componat. § 2. Qui residens est ad domum suam submoniri debet de quolibet placito cum testibus; et si domi est, eidem dicatur, vel dapifero, vel denique familie sue libere denunciatur. Si in eodem comitatu sit, inde ad VII. dies terminum habeat; si in alia scira sit, xv. dierum terminus ponatur; si in tercio comitatu sit³, III. ebdomade; si in quarto, IIII. ebdomade; et ultra non procedit, ubicunque fuerit in Anglia, nisi competens detineat eum ⁴soinus. Si ultra mare est, VI. ebdomadas habeat, et unam diem, ad accessum et recessum maris, nisi vel occupacio servicii regis, vel

¹De infractura partici. *ms. Lond.* De fractura joncis. *Sc. K. ut in textu.* ²faciat *Sc.* habet *K.* ³terminus *mss. Seld. et Twysd. add.* ⁴sonius *mss. Seld. et Twysd.*

^a Inculcatur hoc iterum postea, cap. 84.

^b Sic se habet capitis lemma (in *Sc.* scil.), obscurum quidem: si divinandum est, ego potius divinarem aut 'paci' aut 'parci,' quarum vocum prior scriptioni prior ('pæ' priori syllaba ex tribus literis prioribus facile formata) posterior autem sensui: sed neutrum valde placet: præstat aliis relinquere.

ipsius egritudo, vel tempestas, vel aliquid competens, amplius respectet. § 3. Si quis plures mansiones de diversis dominis habeat, et ab aliquo eorum inplacitetur, submoniri debet ad feodum, vel ad id quod de eo tenet, ubicunque sit, non ad alterum.

§ 4. Si de uno domino aliquis plures mansiones teneat, ad ^{*1}quod dominus maluerit submoniri eum competenter faciat. § 5. Qui plures mansiones habet in comitatu, submoniri debet a vicecomite ad quam earum residens erit cum familia sua; si sit etiam agendum de alia.

* *L. quam.*

§ 6. Si de familia sit qui inplacitatur, ad rectum eum habeat in cuius familia est, quando et ubi justum erit, si a domino, vel rege, vel prelato, secundum legem, sit monitus, sive per breve, sive per nuncium. ^aLex enim est, ut omnis dominus secum tales habeat qui ei iusticiabiles sint, et teneat familiam suam in plegio suo, et si accusetur in aliquo, respondeat in hundreto ubi compellabitur, sicut recta lex sit. Si accusetur, et aufugiat, reddat dominus ejus regi weram illius hominis. Et si dominus accusetur, quod ejus consilio fugerit, allegiet se cum v. thainis, et idem sit sextus. Si juramentum frangat ei, reddat weram suam regi, et qui fugit utlaga sit. ^bSi accusetur itaque quamdiu cum eo est, non dimittat illum dominus, donec satisfaciatur. ^{LVIII.} Si jam recesserat, juret, si opus sit, ^cquod nichil inde audierat, nec ejus velle nec posse fuerit, nec ob

¹ quos *ms. Lond.*

^a Ex quadam parte hæc eadem habentur, cum antea cap. 8. § 3. tum postea, cap. 59. § 6. Lex autem hic laudata triplex est: altera Æthelredi, I. cap. 1. altera Cnuti, Sec. cap. 32. tertia autem Guiliel. Primi, I. c. 52. de qua vide plura scholiis ad cap. 8. et Bracton. l. 3. tract. 2. cap. 10. num. 1. item leges Edw. Confess. cap. 21.

^b Sumptum forte hoc e legibus Æthelstani, I. c. 22. et Cnuti, Sec. c. 28, quibus concordant leges Guiliel. Primi, I. c. 48 et 52. Institutum hoc Bractoni ævo nondum antiquatum. Vide eum ubi supra.

^c Id est forte servi vel familiaris sui culpæ non consentiit, nec cum eo de eadem celanda ex parte convenit. In re furti, pars damnum passa, quæ emendam vel compensationem cepert sine consideratione curiæ domini regis, id est, extrajudicialiter, et curia inconsulta 'theft-bati,' ut vocant, reus est. Vide Coci Institut. par. 3. pag. 134, quo tendit lex Æthelstani. Huic autem multum affine illud in legibus Edw. Confess. cap. 27: 'purgabit se sacramento de consilio et de facto,' nec multum distat lex illa Guilielmi Primi: 'purgant se quia in evaso nullam fraudem noverint.' Hæc autem vera, si 'curvatus' hic non sit rectius scribendum 'cravatus,' de quo vide Glossarium infra.

hoc eum dimiserit, nec cum eo ¹cravatus sit, ²set legitimo testimonio dimisit eum; nam' justum est, ut inde pacem habeat erga omnem manum, et qui peccavit luat. Quod si inplacitatus in aliquo refragaverit, retineat ipsum dominus vel de suo quantum ad satisfaciendum sit. Justum siquidem est, ut eum habeat ad emendandum cum quo fuit ad peccandum, et ²eciam si forisfecit' alibi, rectum faciat ibi.

XLII. DE SUMMONICIONIBUS.

§ 1. Qui summonicionem regis vel communis domini, domino vel cuilibet perferendam susceperit, et dimiserit, vel ex industria vel ex inscicia, emendet per judicium, sicut erit, dampnum vel overseunessam, si ad id deducatur, et quietus inde sit qui
 * iterum? submonebatur, et * item ad rectum submoneatur. § 2. Si quis vero dapiferum, vel quemlibet ministrum, ita rebus suis prefecerit, et hoc, ubi et sicut justum est, notificaverit, et
 * l. homini. * domino suo committet, ut quodammodo locum ejus habeat,
 * ratum? et quod fecerit * factum sit, et a rege, vel justicia ejus, vel a communi utrorumque domino, de proprio ipsorum placito per eum submoneatur, et idem coram testibus suscepit, ut negari non possit, submonitus judicetur, ³sive dictum sit ab homine suo, sive non; et si non venerit ad placitum rectum, inde judicetur; unde si dampnum ei evenerit, loquatur inde cum

¹ in *ms. Lond. desunt.* ² etiam forisfecerit *ms. Lond.* ³ in *ms. Lond. et K. desunt.*

^a De modo servos dimittendi admittendique, consulas velim leges Æthelstani, I. cap. 1. De recessu autem extranei in burgo vel villa hospitio excepti, vide Assisas apud Clarendon. in *clar. Seld. Jan. Angl.* p. 116. § 68. 'Nulli liceat neque in burgo neque in villa hospitari aliquem extraneum ultra unam noctem in domo sua, quem ad rectum habere noluerit, nisi hospitatus ille essonum rationabile habuerit, quod hospes domus monstret vicinis suis, et cum recesserit, coram vicinis recedat et per diem.' Huc pertinet illud Bractoni, qualiter procedere debeant justitiiarii in itinere suo, et quo ordine verba facientis scil. lib. 3. tract. 2. c. 1. n. 1. ubi hæc: 'Jurabunt etiam (omnes scil. tam milites quam alii, qui sunt quindecim annorum et amplius, ut pag. habetur præcedenti) quod nullum de nocte recipient in domum suam ad hospitandum, nisi bene notus sit, et si forte ignotum aliquem hospitaverint, quod non permittent eum in crastino recedere ante clarum diem, et hoc sub testimonio trium vel quatuor proximorum vicinorum.' Tanta adeo fuit priscorum in servis imo et hospitibus admittendis et dimittendis providentia, celebratione non indigna. Quod autem ad hospites attinet, vide plura, si placet, in legibus Edo. Confess. cap. 27. et eund. Bracton. libro et tract. memoratis, c. 10.

homine suo. Si eciam venire non possit, et mittat nuncium ad dominum suum, mittat qui diligenter et fideliter renunciēt preceptum illius.

XLIII. ^{LIX.} NE QUIS ¹INPLACITATUS A REGE ALICUI
RESPONDEAT.

§ 1. ^{LX.} Nemo a rege inplacitatus cogitur per legem alicui respondere, donec ei qui dominus omnium est satisfecerit: ²sic potest ei ³warrantus esse qui in servicio suo est. ^{LXI.} Si prepositus aut debitor domini sui est, quod debet reddat, aut inde componat; neque enim justum est, ut hominis sui forisfactum dominus luat, nec expectari convenit, ut quis eum in suis preveniat; pensandum tamen est, ut ratione et consideracione hoc fiat, ne fraudacionis potius quam juste repeticionis accio iudicetur. § 2. Si quis a domino suo sine licencia discedat, utleipa ³emendetur et redire cogatur, ut rectum per omnia faciat. § 3. Qui sibi facit advocatum contra dominum suum, per superbiam, perdat quod de eo tenet. § 4. Si quis hominem habeat, qui ei nolit ^{LXII.} esse ad rectum, si quid de eo tenet, post legitimam submonicionem, saisiri faciat. § 5. Si quis diversos diversorum feodos teneat, de eo, quod ad eorum feudum pertinet, cum singulis componat, et de rebus alterius alteri non intendat. § 6. Quotcunque dominos aliquis habeat, vel quantumcunque de aliis teneat, ei magis obnoxius est, et ejus residens esse debet, cujus legius est. Si multis homagium fecerit, et ab aliquo eorum captus et inplacitatus sit, ille, cujus residens et legius est, erga quoslibet alios jure potest eum plegiare, nec debet ei denegari, qui manbotam inde haberet, et cui ipse magis acquieverit. § 7. ^{LXIII.} Qui furtum fecerit, qui proditor domini sui fuerit, quicumque ab eo in obviacione hostili, vel bello campali, fugerit, vel victus erit, vel feloniam fecerit, terram suam forisfecerit. § 8. Si dominus terram vel feudum suum auferat homini suo, unde est homo suus, vel si eum in mortali necessitate deserat, supervacue ⁴forisfacere potest dominus suus' erga eum; sustinere tamen

¹ placitatus *ms. Lond.* ² warrantatus *mss. Seld. Twysd. et K.* ³ enim detur *ms. Lond.* ⁴ forisfaciat dominum suum *K.*

^a Videatur hac de re Glanvilla, l. 1. c. 27. et Term. Juris, in voce 'Protection.'

debet homo dominum suum, si faciat ei contumeliam vel injuriam ejusmodi, in werra xxx. dies, in pace unum annum et unum diem; et interim private, per compares, per vicinos, et per domesticos, et extraneos, per leges, ¹requireret eum de recto.

XLIV. ^{LXIV.} DE PLEGIIS DOMINORUM SUORUM.

^aSi quis a domino suo missus sit in plegium, et ostendere possit quod ²ei ³ex sponsione vel fidejussione illa dampnum venit, non cogitur ex lege de quavis pecuniali inplacitatione respondere ei, donec totum restituat quod amiserit pro eo. De contumelia vero domini semper est homini suo respondendum, prima vice eciam sine alio compellante; deinde qui sacramentum vel legem abnegandi vult habere, querat accusantem.

XLV. DE INCULPACIONIBUS.

§ 1. Multe sunt et multorum inculpaciones in quibus non necesse est, secundum legem, responderi, ut quavis compellacione simplici promptum est inveniri: simplex enim et vacua compellacio est, ubi ex neutra parte, compellantis scilicet aut compellati, testis est; nec causa ⁴hujusmodi que ^bbello, vel judicio, vel lege sacramentali, vel timore, vel amore, mereatur ⁵promoveri. § 2. 'Et si quis monacho vel monache, servo vel ancille, sine prelatorum suorum licencia, aliquid committat, ut negaverit, nil recipiat. § 3. Item, si quis sponse, vel

¹requireret *mss. Seld. Twysd. Lond. et K.* require *Sc.* ²in *ms. Lond. deest.* ³exponcione *Sc. et K.* ⁴hujusmodi *mss. Seld. Twysd. Lond. et K.* hujus *Sc.* ⁵promoveri ut aperte promereri *ms. Lond.*

^a Simile habes in Magno sive Veteri, ut vocant, Norman. Cusumar. c. 60. fol. 75 a. quod in Latina ejusdem editione sive versione sic se habet: 'Residentes vero homines per vicecomitem et in assisiis comitatus dominium suum' (vel 'dominum' juxta Gallicum) 'plegiare tenentur, ad expensas tamen ejus et ipse eos indempnes super hoc reddere tenebitur. Et si eos' (deest 'damnum' juxta Gallicum exemplar) 'incurrere de plegiatione permiserit, non tenebuntur ipsum ulterius nec amplius plegiare, quousque super illa plegiatione et damnis et perditis satisfactum fuerit evidenter.'

^b De quo vide plura infra, cap. 59. § 16.

^c Ex quadam parte derivatum hoc videtur ex legibus Ælfredi, c. 20. Quod statim legitur 'ut negaverit,' legendum puto 'et negaverit,' nisi malis 'et amiserit,' juxta citatæ legis verba: 7 hit him lorize, i. e. (Jorvalensi interprete) 'et amittatur.' Lectioni favet lex quædam

puero, vel puelle, sine permissu domini sui, quacunque commendacionem, vel aliquam commutationem, vel tradicionem, fecerit, non opus est eos, vel eorum dominos, respondere super hiis, si complaceat abnegare quamdiu sub virga sunt. § 4. ^a Et de nemore inoperato, per thihlam nemo respondeat, nisi sit ibi captus, vel sit homo ejus cujus est nemus. § 5. ^b Et si quis delegatus ¹legalem hominem accuset, funestam dicimus vocem ejus.

XLVI. ^{LXV.} DE INPLACITATIS ²A DOMINIS.

§ 1. ^{LXVI.} Si quis a domino suo, vel justicia, per suam vel alterius suggestionem, inplacitetur, submoneatur ad VII. dies in eodem comitatu, de nominatis vel innominatis placitis; et si lex domino vadietur, differat cetera placita, donec lex deducatur per burgi legem; 'nisi de furto vel capitalibus sit, in quibus statim oportet responderi. § 2. De quibuscumque inplacitetur aliquis, furst et fondung habeat, et nominentur ei placita, et inde ad VII. dies respondeat quod velit. ³ Si autem hoc vel alio modo ventum erit ad placitum, sive contra dominum, sive contra alium, tacite se inplacitari paciatur in omnibus⁴ placitis super eum. § 3. Et si quis de feloniam compellitur, remaneat de cetero, donec inde finiatur. ^{LXVII.} In aliis querat accusatus consilium, et habeat, ab amicis et a parentibus suis, quod nulli jure debet defendi, maxime eorum quos secum adduxerit, vel ad placitum suum rogaverit; et ⁵ si in consilio suo fiducialiter

¹ in *ms. Lond. deest.* ² dominorum *ms. Lond.* ³ Cum *ms. Lond. et K.* ⁴ vel quodlibet *Sc. add. perperam.* ⁵ in *ms. Lond. deest.*

hac de re per Ælfredum lata, et inter instit. ejus (Cf. pp. 74, 75.) reperta, quæ talis: 'Et si quis commendaverit alterius monacho pecuniam, aut aliquid tale ad custodiendum, sine licentia prælati sui, et monachus illud perdiderit, sit illi perditum, qui sine licentia prælati ejus monacho commendavit.'

^a Repetitionem sapiunt hæc superius decretorum, cap. 23. § 2. Vide scholia ibid.

^b Locum hunc advertit nobilis Spelman. in Glossar. verbo 'Diligatus,' unde sensum petas, inserto ibidem quod deest 'legalem' inter 'diligatos' et 'hominem.'

^c Locum exhibet Spelm. in Glossar. sub vocibus 'Furst' et 'Fandung' nulla omnino expositione adhibita. Defectus distinctionum, ut opinor, præcipue in causa fuit. Voces, fateor, 'furst' et 'fandung' nisi hic nusquam, quod sciam, simul occurrunt: restituta autem modo quo supra vera loci lectione sensum eorum facilius exploremus, quem vide in Glossario huic operi addito.

rerum veritatem fateatur, ut de placito vel de pace salubrius videatur. Bonum autem est, ut cum alicujus ¹consilium in placito redditur, cum emendacione dicendum predicatur, ut si forte perorator vel superadjecerit aliquid, vel, omiserit, emendare liceat ei. Sepe enim fit, ut in sua causa quis minus videat quam in alterius, et in ore alterius plerumque poterit emendari, quod in suo non liceret.

XLVII. DE CAUSIS CRIMINALIBUS, VEL CAPITALIBUS.

^{LXVIII.} ^aDe furto, et murthero, et prodicione domini, et robaria, et utlagaria, ² et husbreche, et bernet, et falsaria, et causis criminalibus, vel capitalibus, nemo querat consilium, quin inplacitatus statim perneget, sine omni petitione consilii, cujuscunque nacionis vel condicionis sit; vel ejus affirmacionem vel negacionem defensor, aut dominus, prosequatur, competenti termino comprobendam.

XLVIII. QUOMODO POSSUNT UTI CONSILIO.

§ 1. ^bIn aliis omnibus potest et debet quilibet uti consilio in consulendo, eciam consulte agere consilium est. Si quis enim a justicia regis inplacitatus ad consilium exierit, et ad inculpacionem non responderit, xx. marce, vel overseunesse regis, culpa sit. Quum itaque aliquid habeatur in inplacitacionibus pretendendum, in inculpacionibus ostendatur: et ad consilium de inplacitacione non exeat, qui placitare non deliberat; judicium enim est, qui, sine contradiccione vel preoccupacione, super inplacitacionem exit ad consilium, intrat in placitum, et de quibus non responderit, concesserit. § 2. Si totus comitatus vel vii. hundreta super aliquibus inplacentur, et ad aliquem specialiter vel singulariter inculpacio dirigatur, petat ut ei comitatum suum, qui ejusdem esse dicitur, habere liceat, et cum eo respondeat, ut, sicut omnium una est inculpacio, una

¹ *ms. Lond. et K. add.*

² *in ms. Lond. desunt.*

^a Vide supra cap. 10. § 1. et infra cap. 61. § 17. Horum autem criminum capitalium nonnulla tractantur per Glanvill. l. 14. per totum, et fusius per Bractonum, l. 3. tract. 2. De Corona.

^b Vide Vetus Normanniæ Custumar. cap. 84. unde colligo consilium petenti in causa ex simplici querela personali orta apud Normannos non esse denegandum.

'emundacio vel emendacio sit.' Si eis alternatim verum de se testantibus, quia Francorum et Anglorum plenum est testimonium, ita sit; si secus est, eligantur de melioribus juraturi, secundum ²rerum meritum' et cause modum. § 3. Nec aliquis baro solus de hundreto vel de eo placitet quod ad plures pertinet. § 4. ^aNec liceat domino vel justicie testibus aliquem sine contradiccione vincere. § 5. ^bSi quis ³in comitatu, vel in quovis placito, per justiciam dictum factum ne negetur, per homines qui interfuerint, et per alterius domini testes agatur. § 6. ^cEt de omni causa ubi plures fuisse dicuntur, unum ad minus intelligibilem de placito rectum haberi erit. § 7. Et qui contra dominum partem confitetur, ceterum probabit. Qui nichil inculpacionis recognoscit, totum, si velit,

¹ in *ms. Lond. et K. desunt.* ² regum *ms. Lond. et K.* ³ quid *ms. Lond. add.*

^a Vide scholia ad cap. 31.

^b Vide Glanvill. lib. 12. cap. 7.

^c Hinc forte ortus apud nos recordatorum, ut vocantur, usus. Vide *Vetus Norman. Custumar.* cap. 123. *leges Edo. Senior.* cap. 5. et *Æthelstani*, par. 2. c. 1. in *Jorvalensi* (huj. edit. IV. 1.): 'Et nominentur in manunga singulorum præpositorum tot homines, quot pernoscentur esse credibiles qui sint in testimonio (forte testimonium) singularum causarum, et sint eorum juramenta credibilium hominum butan sire (*l. cýpe*) i. e. sine electione.' Quæ sequuntur in præsentī capite pleraque sunt obscura; hæc autem 'et de cremento feodi debet habere testes ejusdem domini, vel ex sua vel ex parte domini eciam invocatus' non multum discrepant a legum Guiliel. Primi, I. c. 23. quod Latine exhibitum sic se habet: 'Si voluerit quis convencionem terre tenende, adversus dominum disracionare; per pares suos de eodem tenemento, quos in testimonio vocaverit, disracionabit; quia per extraneos id facere non poterit.' Idem igitur locus 'de cremento feodi' forsā hic intelligendus: 'Et de convencione feodi (hic 'cremento' dicta, forte a vernaculo nostro 'greement' et 'agreement') debet habere testes ejusdem domini, vel ex parte sua vel ex parte domini invocatos.' Fortasse tamen putent aliqui 'cremento' hic 'incrementum' intelligi, perinde ac si eodem sensu hoc in loco usurpatum esset quo in *Feudor.* lib. 1. tit. 4. § 'Si quis de manso.' Ego non renitor. In quorum gratiam integrum illum paragraphum repræsentandum duxi: 'Si quis de manso uno feudi nomine investituram acceperit, et dixerit, quod omne incrementum pertineat ad eum per investituram: si dominus reservaverit sibi aliquid in ipsa curte, tunc oportebit fidelem incrementi investituram per pares curtis vel per breve testatum probare. Sed si dominus in ipsa curte nil sibi retinuit, tunc omne incrementum jure feudi fidelis obtinebit. Si vero fidelis in possessione incrementi fuerit, non oportebit eum investituram probare sed jurare.' Vox 'crementum' eodem forte sensu in libro Angliæ censuali usurpatur, ut apud *Cambdenum Britann.*, de *Sarisburia* urbe agentem, videre est.

abnegabit; nec testes audientes vel videntes habendi sunt de eo quod ¹non fuit,⁷ set quod accusatus fuisse intendit. Et de cremento feudi debet habere testes ejusdem domini, vel ex sua, vel ex parte domini eciam invocatos. De primo feudo habeantur ²quicunque liberi;⁷ si non possint, alii: et in diracione feudi ³producere debet⁷ feudatus testem suum ad bellum, vel aliam legem.

XLIX. ⁴QUIBUS CAUSIS STATIM RESPONDERI DEBEAT,
QUIBUS NON.⁷

§ 1. Quedam cause sunt de quibus statim respondere, sicut dictum est, set non statim placitare, necesse est; quedam, de quibus, sine competenti summonicione, non cogitur aliquis vel placitare vel respondere, sine consilio, vel in omni loco; quedam, de quibus respondere et placitare oportet; quedam, in quibus non respondere oportet, tam in causis quam in ⁵causatoribus.

§ 2. Pro statu vero causarum, et esse temporum, et modo inplacitatorum vel inplacitancium, unusquisque deliberet, tam ex presentibus quam preteritis, an ei inpresenciarum sit, vel non sit, placitandum. Melius autem aliquando erit, secundum amicorum vel inimicorum presenciam vel absenciam, differre placitum, et aliquem, cum placitare possit, dilatari.

§ 3. Si quis vero per legem de pluribus causis inplacitatus non respondet de omnibus, omnium quas pretermiserit reus esse judicetur, si de omnibus antea submonitus fuit, aut de omnibus ipsa die respondere et rectum facere promisit. In quibus vero expedit, debet ei, si petierit, consilium dari, et, cum responderit, queratur, an amplius dicere velit? ne quis occasione potius quam ratione placitare videatur: si ita ammonitus aliquid pretermiserit, sibimet deputet, si dampnum ei evenerit. Et qui testes habet nominandos, ante nominet; raro enim prodest quicquid dicatur postquam judicium exit, vel magis redditum est; dum in respectacione erit potius addatur, si ⁶ante judicium opus est.⁷

§ 4. Et omnem recordacionem dominice regis curie non potest homo contradicere. Frequenter autem in divinis legibus interrogandum est, ne aliquid pretermisum forte remaneat, quod annecti conveniat; inducie

¹ non fuit *ms. Lond. et K.* si fuerit *Sc.* ² v. libre *ms. Lond. et K.*
³ debet procedere (precedere *K.*) feudi *ms. Lond.* ⁴ in *ms. Lond. desunt.* ⁵ accusacionibus *K.* ⁶ opus fuerit ante judicium *ms. Lond.*

enim ¹modice ad querendum dande sunt, ne quid agi propere a quacunque parte videatur, quia multa per surrepcionem eveniunt. § 5. Si plures alicujus homines simul implacitentur, secundum quod cause fuerint vel pactum inter eos, de omnibus una die simul, vel de singulis sigillatim, rectum faciat; ^apactum enim legem vincit, et amor iudicium. § 6. In causis vero communibus, tractande simul et finiende sunt que-rele de pluribus, que lege sacramentali vel iudicio promoventur; in quibus vero bellum est singulariter fiant. § 7. Et si placitum sit furti, vel exactionis hujusmodi, et unus inculpatorum adducatur ad reddendum quod exigitur, non reddent alii; quia ex una culpa non debent in hunc modum plures emendaciones haberi. Debet autem de convictis justitia fieri.

L. ²DE SUPERSESSIS PLACITIS.

Si quis a domino vel prelato suo de nominatis placitis, secundum legem, inplacitatus, ad diem conductum non venerit, omnium placitorum, de quibus nominatim inplacitabatur, incurrit emendaciones, nisi competens ³aliquid respectaverit. Aliud enim est, si quis a domino suo sic submoneatur, ut illa vel illa die sit ad eum, et placitum ei nominetur, ⁴et aliter, si ita expresse sit mannitus, ut ei placitum non nominetur. Si [sint] nominata placita, et non venerit, *overseunessa*,⁵ juxta loci consuetudinem, sit, et alius dies ponatur ei; et tunc explicitet se, vel emendet, nisi competens soinus intercedat.

LI. DE SUMMONICIONE HUNDRETI.

§ 1. ^bQui ad hundretum secundum legem submonitus non venerit, prima et secunda vice, xxx. deñ culpa sit erga ipsum hundretum, nisi soinus legalis eum detineat; tertia vice, plena wita sit. § 2. Debent autem, ^cut dictum est, ad singulos

¹ dominice *ms. Lond. et K.* ^{2'} in *ms. Lond. deest*; *reperitur tamen in capitulo sequenti.* ³ aliquis *K.* ^{4'} si non sunt ei nominata placita, et non venit *overseunessa ms. Lond. et K.*

^a Concordat Glanvilla, l. 10. c. 14. 'Generaliter (inquit) verum est quod conventio legem vincit,' Ciceronem, ut videtur, sequutus, De Invent. 'Pacta (inquit) præstant legibus.' Item ad Herenn. 'Pactum præstat juri.'

^b Hac de re vide plura, cap. 29. § 2. et schol. ibid.

^c Cap. sc. 7. § 4. Vide etiam leges Edo. Senior. cap. ult.

menses, i. per annum duodecies, congregari hundreta, comitatus bis, si non sit opus amplius; et omnis homo rectum faciat alteri ad rectum terminum, et omnis causa finem habeat, et submoneatur comitatus VII. dies antea. § 3. ^{LXIX.} Et nulli, sine iudicio vel licencia, naniare liceat alium in suo vel alterius. § 4. Si vicecomes injuste aliquem namiet, convictus noxa causam suam perdat, et dupliciter emendet, et regi, sicut factum sit. § 5. Nemo justicie vel domino suo namium excutere presumat, si juste vel injuste capiatur, set juste repetet, plegium offerat, et terminum satisfaciendi. § 6. Si vicecomes namium capiat, ad propinquiorem regis curiam dimittat, nec vendat ipsa die. § 7. Qui namium excussit, reddat, et overseunessa sit. Si plus peccet, plus ¹emendet. Si alicujus homines super hiis accusentur, ad rectum eos habeat dominus suus. Et si alicujus precepto namium excusserint, qui in eos potestatem haberent, omnes simul unam forisfacturam reddant: sicut acciderint, sigillatim componant. § 8. Excutere namium est, si quis viam tollat, et avertat retro namium ipsum.

LII. ^{LXX.} DE PROPRIO PLACITO REGIS.

§ 1. Si quis de placito proprio regis inplacitetur a justicia ejus, cujuscunque homo sit, non debet ^ajusticie vadium ²recti denegare. Si non fuerat antea submonitus, nec ad hoc veniat, debet per iudicium ³recti vadium justicie dare, et plegios eciam, si opus sit, invenire. Si fuerat inde submonitus legaliter, et dies ^bemendacionis positus, vel emundacionis, ipsa die oportebit eum, si justicia cogat, respondere vel perdere, si dominum suum habeat, sive non habeat. Si quis vadium recti justicie denegaverit, tercio interrogatus, overseunesse culpa sit, et ex

¹ det *ms. Lond.*

² regis *K.*

³ regi ad *ms. Lond.* regi *K.*

^a Justitiæ hic ut et alibi, cum supra tum infra, crebre (quod etiam in Glossario nostro infra monitum) cum J capitali scribendum est; siquidem non 'justitia,' virtus scil. illa moralis, sed minister potius vel administrator justitiæ, nimirum justitiarius, ut vocant juniores, eo nomine intelligitur.

^b Juxta illud tam antea, cap. 48. § 2, 'ut, sicut omnium una est inculpacio, una emundacio vel emendacio sit:' quam postea, cap. 57. § 3. 'et ibi purgetur vel ibi sordidetur,' quod iterum etiam repetitum habes, cap. 62. § 3. 'et si quis malefactum inter manus habens alicubi retinetur, ibi purgetur vel sordidetur.' Similis autem correctio desideratur postea, cap. 59. § 4.

judicio licet retineri eum, donec plegios inveniat, vel satisfaciat; maxime si judicatum sit de vadio, si de capitalibus agatur in eo.

§ 2. Clericus per consilium prelati sui vadium dare debet, cum dederit in accusatione. § 3. Et omnis homo pacem habeat

quam rex ei dabit.

LIII. DE SUPERSESSIONE COMITATUS.

§ 1. ^{LXXI.} Qui secundum legem submonitus a justicia regis, ad comitatum venire supersederit, overseunesse regis, i. xx. m̃, reus sit in Westsexa; ^a et si de nominatis et susceptis placitis pulsabatur, nisi competens aliquid intervenerit, reus omnium judicetur; si ¹secus, tantum' inde xx. m̃ emendet, et rectum faciat. Quod si overseunessam dare et rectum facere renueret, mittantur qui de suo capiant, et eum, si opus est, per plegium ponant. Si neque sic satisfecerit, totum quod habet amiserit, et idem capiatur, nisi plegios inveniat. Si repugnet et cogatur, occidatur. Si evaserit et aufugerit, pro utlaga reputetur. Qui eum interim susceperit, consilio foverit, juverit, were sue reus sit, vel, secundum inculpati natalicium, perneget. § 2. Si

quis inplacitetur de eo unde per plegium corporis et tocus pecunie responsurus sit, remaneat de omnibus aliis causis, donec prime finis sit; quia est quodam tenus in capcione regis.

§ 3. Nullus a domino suo inplegiatus, vel inlegiatus, vel injuste dissaisiatus, ab eodem inplacitetur, ante legitimam restitutionem. § 4. ^b Si dominus de felonia, vel fide mentita, com-

pellat hominem suum, non respondeat quibuslibet inplacitationibus ejus, donec quietus sit. § 5. ^c Et nemo dissaisiatus placitet, nisi ²circa ipsam dissaisiacionem' agatur. ³ Et postquam aliquis dissaisiatus legem vel rectum domino suo vadiaverit, et plegios, si opus est, addiderit, saisatus esse debet.

¹ reus erat *K.* ² in ipsa dissaisiacione *ms. Lond. et K.* ³ Et nemo dissaisiatus legem vel rectum domino suo vadiaverit *mss. Seld. Twysd. Lond. et K.*

^a Dimidium istius capituli, prius sc., ex majori parte desumptum reor e legibus Æthelstani, I. c. 20. ut collatori non incurioso facile constat. Hoc autem, 'etsi de nominatis et susceptis placitis pulsabatur, nisi competens aliquid intervenerit, reus omnium judicetur,' repetitionem sapiunt quorundam prius traditorum, cap. 50.

^b Simile habes supra, cap. 46. § 3.

^c Convenit hoc, ne quis dissaisiatus placitet, tum prius traditis, cap. 5. § 2. tum etiam posterius, c. 61. § 20. qua de re vide Magnum Norman. Custumar. c. 5. n. 8. et glossam Latinam ibid.

LIV. LXXII. DE DISCESSIONE SOCIORUM UNIUS
PECUNIE.

§ 1. Si aliqui fuerint ita socii ut pecuniam suam posuerint in communi, et a societate et communitate illa discedere voluerint, afferant coram testibus quicquid habent in commune dividendum, ut, si opus est, super sancta jurent, quod amplius non habeant; et adquisicionem et adquisitum, sicut rectum est et pactum fecerunt, dividant inter se. § 2. Si quis cum socio vel compari suo causam habuit, et inter eos super hiis ex amore et testimonio convenerit; si deinceps utrumque vel alterum peniteat, non possunt tamen per iudicium ad placiti principium remeare, maxime si iusticia interfuit. Ubi vero aliquis eorum optionem habet per justiciam, amicie vel lage, et amiciam eligit, stet hoc ita firmum ut ipsum iudicium. Item, si justo iudicio inter eos actum sit, nullatenus fieri debet, ut quod iudicio finitum est, velut infectum, repetatur. In quibusdam vero causis nemo tenere cogatur, quod sine iusticia placitavit.

LV. LXXIII. DE PRIVILEGIO DOMINI SUPER HOMINEM
SUUM.

§ 1. Omni domino licet submonire hominem suum, ut ei sit ad rectum in curia sua; et si residens est ad remotius manerium ejusdem honoris unde tenet, ibit ad placitum, si dominus suus submoneat eum. Si dominus ejus diversos feodos teneat, non cogitur per legem homo unius honoris in alium ire placitum, nisi de alterius causa sit, ad quem dominus suus submonuerit eum. § 2. Si homo de pluribus dominis et honoribus teneat, quantumcunque de aliis habeat, ei plus debet, et ejus residens per iudicium erit, cujus homo ligius erit. § 3. Omnis homo fidem debet domino suo de vita et membris suis, et terreno honore, et observacione consilii sui, per honestum et utile, fide Dei et terre principis salva. Furtum vero, et prodicio, et murdrum, et que contra ² Dominum sunt et fidem catholicam, nulli precipienda vel peragenda sunt; set fides habeatur dominis omnibus, salva fide precedencium, et magis ei cujus ligius est; et ejus licencia sit, si quis hominum ejus ³ alium sibi dominum faciat.

¹ dissensu *Mss. Seld. et Twysd.* ² Deum *ms. Seld. et K.* ³ aliquem *ms. Lond. et K. add.*

LVI. LXXIV. DE FIRMA TENENDA.

§ 1. Si inter aliquem et firmarium suum, qui non eciam sit homo suus, de hiis que ad firmam pertinent controversia oriatur, sive de taleis agatur, sive de ¹supplecione in ipso manerio, sit de cetero sicut in ceteris. § 2. Si quis vero firmam in feodo teneat, et homagium inde fecerit, sive in ea manens sit, ²vel non sit, et eam diligit, satisfaciat domino suo in curia sua, vel in ³curia domini de quo ipsum feodum est. § 3. Querendum est autem, in reddicione manerii, a pastoribus, de animalibus, de numero, de modo; a ceteris servientibus, de officio suo, si plena singula habeantur, et ejusdem valencie; de supplecionibus, in hominibus, in pecunia; si deterioratum sit manerium in dominio, vel hominibus, in pascuis, in nemoribus; si quis gablum auxerit, si quis tulerit; quid sit in horreis, quid seminatum sit. Si quis de preposito conqueratur, quod ei per injuriam aliquid abstulerit, in ipso manerio vel in curia domini sui audiatur, et tanquam prepositus respondeat subditis suis. Si preposituram dimisit, et alterius domini sit, qui postea loquitur in his super eum, veniat in hundretum suum. ³Si et ipse quicquam repetat in ante subjectis, sicut erga alium fieret causa sit, si in prepositura non ⁴cravavit. Unicuique vero licet, secundum legem, preposituram non ⁵suscipere, custodiam non licet.

LVII. DE QUERELA VICINORUM.

§ 1. LXXV. Si inter compares vicinos utrinque sint querele, ⁶convenient ad divisas terrarum suarum, et qui prior querimoniam fecerit, prior rectum habeat; et si alias ire oporteat, in curiam domini sui eant, si unum dominum habeant, et soca sit ejus; et illic eos amicia congreget, aut sequestret judicium; si secus est, in hundretum suum, si opus est, eant. § 2. Si

¹ supplecione *ms. Lond. et K.* ² in curia ejus vel *ms. Lond. et K.*

³ Sed *ms. Lond.* ⁴ cravavit unicunque non *ms. Lond.*

⁵ Simile habes tam supra, cap. 9. § 4. quam hic infra, cap. 57. § 8. et postea iterum, cap. 91. § 4. quo etiam tendit illud in legibus Edo. Conf. cap. 32. 'Isti (friborgi decanos indigitat) inter villas inter vicinos tractabant causas, et secundum quod forisfacture erant, emendaciones et ordinationes faciebant, videlicet, de pascuis, de pratis, de messibus, de certacionibus inter vicinos.' De hoc autem et loci istius pleniore intellectu vide plura in Glossario nostro, verbo 'Divisa' et 'Erthmiotum.'

inter eorum homines disceptetur, in curiis super accusacionibus alternatim sibi rectum faciant in causis suis, nisi quis retentus vel dividiatus sit, vel plegiatus pro culpa sua, sit alibi, secundum legem. § 3. Et ibi semper causa agatur ubi crimen admittitur, si presertim qui forisfecerit retineatur ibi. § 4. ^aSi cum ¹aliquo inventum sit unde ²culpatus sit, ³ibi necesse est causam tractari, et ibi purgetur, vel ibi sordidetur. § 5. Si quis in curia sua rectum de hominibus suis facturus sit, nominentur ei qui inplacitantur, et competenti ³termino satisfaccionem habeant, nec perdat curiam nec socnam suam, quamdiu non difforciaverit rectum. § 6. Inter homines aliorum comitatum observetur, ut de thihla pariter veniant in curias, vel hundreta, vel congrua causarum loca; tantum, si opus est, datis plegiis rectum faciendi, si craventur ibi. § 7. ^bQuod si de manifestis et confessis agatur, ubi quis peccavit, ibi rectum faciat, vel ⁴de suo ad valens ⁵forisfacti pro inborgo retineatur; considerate, scilicet, et coram testibus, et ratione hoc, non furore, fiat, ^{*}nec ^c⁵rieflacum reputetur, et justicia repentis in injusticiam convertatur; sepe enim fit, ut ad compendia preceps et dispendia dilabatur; sepe etiam contingit, ut hoc modo depositum pro furto ⁶et rieflico, et ⁷quoquo modo defraudato, postea fuerit interciatum, et ad hoc denique comprobatum. § 8. Pensandum autem erit omni domino, sive socam sive sacam habeat, sive non habeat, ut ita suum hominem ubique manuteneat, ne dampnum pro defensione, vel pro demissione dedecus, incurrat, juxta causarum modum, et locum diffinitum, aliquando in divisis vel in ⁷erthmiotis, aliquando super ipsam terram vicine, aliquando in curia domini, aliquando in hundreto vel hundretis, aliquando in comitatu, vel

* ne?

¹ alio *ms. Lond. et K.* ² inculpatur *ms. Lond. et K.* ³ testimonio *Sc. termino K.* ⁴ in *ms. Lond. et K. desunt.* ⁵ nefflatum *ms. Lond. et K.* ⁶ vel nefflato vel *K.* ⁷ herimotis *K.*

^a Crimen heic intelligit legislator manifestum et hujusmodi, scil. ubi aliquis (Bractoni verbis utor) deprehensus est seisisus de aliquo latrocinio, scil. 'hondhabend' aut 'bacberend.' Vide supra, cap. 9. § 4. et infra, cap. 62. § 3. et Gryphiandr. in tractatu de Weichbild Saxonum, cap. 57. num. 3 et 4.

^b Huc tendit quod habetur versus finem, cap. 41. 'Quod si implacitatus in aliquo refragaverit, retineat ipsum dominus vel de suo quantum ad satisfaciendum sit.' De 'inborgo' autem hic, quid significet, videas velim in Glossar. extremo opere.

^c Vocabuli significatum quære in Glossario.

burgmoto, vel hallimoto: longum est enarrare singula, set planum est inveniri. Omnes enim cause suos habent pertractacionum modos, sive in statu quo cepere permaneant, sive de eo in alium transeant. § 9. Cum clerico, qui uxorem habeat, et firmam teneat laicorum, et rebus extrinsecis seculariter deditus sit, seculariter est disceptandum. ^aDe illis qui ad sacros ordines pertinent, et eis qui sacris ordinibus promoti sunt, coram prelatiis suis est agendum de omnibus inculpacionibus, maximis vel minoribus.

LVIII. DE HOMINE VAGANTI.

Aliter de vaganti si dominum habeat, aliter si non habeat; quod si fuerit, et alicubi forisfaciat, ostendatur justicie que preerit, et consilio ejus agatur.

LIX. LXXVI. DE CONTRAMANDACIONE PLACITI.

§ 1. Si dies placiti sit contramandatus ¹ubi residens est cum quo agitur, ipsi vel familie ejus ²libere, sive suscipiant sive non, nichil refert, quoniam contramandatus judicetur, nisi causa sit, que contramandari non debeat, vel pactum intercesserit quod legem contramandacionis ³vicerit; causa vero contramandacionis vicinaliter debet addi, et alius dies competens poni cum testibus. Si non sit contramandatus, nisi erga eos qui ⁴non frangunt causam suam, reus erit qui remanserit, nisi repentine infirmitatis, aut domini necessitatis, aut exercitus, vel suorum causa hostium, vel justicie regis, competens detencio liberaverit. § 2. De quocunque placito emendabili deceptetur, si contramandacione vel respectacione opus est, hoc modo celebretur: Pridie, ante solis occasum, ad domum suam, si residens est cum quo agitur, et per bonum testimonium vicinorum et ⁵aliquorum, quos secum habeat qui placitum contramandat, ipsi respectetur, si domi est; uxori, dapifero, vel preposito, et familie ejus, dicatur intelligibiliter, si idem ab-

¹ in *ms. Lond. desunt.* ² in *K. deest.* ³ in *ms. Lond. desunt.*
⁴ non *K. in Sc. deest.* ⁵ aliorum *ms. Lond. et K.*

^a Notanda hæc pro antiquitate tam fori ecclesiastici quam cleri et sacris initiatorum a foro et gladio seculari in criminalibus olim apud nos immunitatis, de quibus nihil habeo quod addam prius dictis, et a longe doctioribus, quos vel nominare superfluum erit, et a clar. Somnero in *Antiquit. urbis Cantuar.* p. 485.

fuerit; et hoc ¹iterum et tercio licet, continue sive interrupte. Si ejusdem comitatus sit qui placitum induciat, pridie, ante solis occasum, ad vii. dies terminum ponat, sicut premisimus. Si alterius comitatus sit, duobus diebus ante placitum respectetur ²ad xv. dies. Si de tercio comitatu sit, triduo respectetur ³ad iii. ebdom. Si de iii^o. comitatu, iii. diebus ante prenunciet ad iii. ebdom., et ultra non procedit, si sit in Anglia. Hec secundum legem diximus; qui pactum fecit aliter habeat;

* qui?

*que ad ³indefinitum utrimque se habent, diffinitis prelocutionibus egent. § 3. Omne placitum, inter quoslibet habitum, et ab eisdem, sine justicie majoris auctoritate, si opus est, respectari potest, exceptis capitalibus: ut si quis furtum inter manus habeat, vel murdrum, vel prodicionem domini, vel deinceps hujusmodi que, salvis coagentibus, tanto libencius quanto festinancius optanda sunt pertractari. § 4. De pecunia ⁴eciam, que pro pace vel inimicia vadiata est, ⁵testes prothelari non debent, nec placitum de morte inimicorum; nisi exercitus, [vel] regia necessitas inpediat, vel infirmitatis vel ydonee veritatis aliquid occurrat, et tunc inter eos firma pax et diffinita plenaque consistat. In aliis eciam omnibus causis et hominibus, ^aet in emendacione omni, vel emundacione, respectari licet, generaliter et simpliciter, omne placitum ab eis quorum est placitum, si sit ab eis sine justicia positum; nisi forte sit sine contramandacione susceptum, vel sepius, aut aliter quam lex velit, contramandatum. § 5. Et ubi residens est cum quo agitur, nisi sit alibi constitutum, secundum quod prediximus, respectetur omne placitum, et per Francigenam et Anglicum: sive autem per amicos sive per inimicos placitum cuilibet respectetur, si legitime agatur, respectatum judicatur. § 6. ^bEt omnis dominus teneat familiam suam in plegio suo, et si accusetur, respondeat in hundreto ubi compellabitur, sicut rectum sit. § 7. Qui, sine legali racione, contramandacionem renuit, licet ad locum placiti veniat, licet illic adusque expectet dum hora placitandi pretereat, et hujus expectationis testes circumquaque convocet, et ita adversarii sui placitum

¹ utrimque *Sc. et K. perperam.* ^{2'} in *ms. Lond. et K. desunt.* ^{3'} jus diffinitum utrimque *ms. Lond. et K.* ⁴ autem *ms. Lond. et K.* ⁵ terminus *ms. Lond. et K.*

^a Vide scholia ad cap. 12.

^b Vide scholia ad cap. 41.

esse fractum contendant; non procedit quin diem qui positus est expectari oporteat; et si eum, ¹secundum legem, contramandatum esse constet, de capite placiti disceptetur.² Si vero placitum sine contramandacione sit, vel adeo processerit, ut sepius aut aliter quam rectum est contramandetur et non recipitur, qui non venerit amiserit. § 8. Videndum autem ³summo-

pere est, ut ibi et ei cui dici debet contramandacio dicatur; dicenda vero est, sicut prediximus, ei cum quo agitur, si ita provectus est in etatem⁴ ut pro se loqui possit, et sui juris habeatur. § 9. ⁵Pueri autem ante xv. annos plenos, nec causam prosequantur, nec in iudicio resideant. De rebus hereditatis sue interpellatus, post xv. annos defensorem habeat, vel idem respondeat, et calumpniam mittat in rebus suis, ut nullus eas teneat uno anno et uno die, sine contradiccione, dum sanus sit, et patrie pax. De minoribus vero causis, respondeant interim tutores ⁶eorum, si forisfaciant aliis, vel ⁶alii forisfaciant ipsis.

§ 10. Et cui per justiciam placitum sit positum, eidem respectetur; qui autem respectabit, respectabit utrimque, accusato, scilicet, et ⁷justicie. § 11. Nullius contramandacionem necesse est recipi, si dominus placitat contra suum hominem de proprio placito suo, ⁸nisi forte domini, si unum dominum inde habeant, vel justicie ⁹regis, si placitum aliquo modo pertineat ei. § 12. ¹⁰Et omni domino jure licet hominibus suis defendere, ne sibi faciant injuriam de omnibus pertinenciis ad feodum suum et eciam alterius. Et si gwerram sibi faciant, et de ¹⁰aliis dominis alios quoque feodos teneant, prohibeat, si velit, ne homines feodi sui vexentur ad defensionem ¹¹alterius feodi, maxime contra hominem suum. § 13. ¹²Qui dominum suum erga regem, vel quoslibet repetentes, in capitalibus et criminalibus falso accusaverit, de lingua sua componat.

§ 14. Qui de judicata et vadiata domino pecunia apud justiciam

¹ omnes contramandant secundum legem constant *Sc. K. ut in textu.*

² si vero placitum contra mandacionem mandatum esse constet, de capite placiti disceptetur. *ms. Seld. Twysd. et K. add.* ³ si in opere *K.* ⁴ vel evectus in libertatem *ms. Lond. et K. add.* ⁵ in *ms. Lond.*

et K. deest. ⁶ aliqui *ms. Lond. et K.* ⁷ judici *ms. Lond. et K.* ⁸ ubi *ms. Lond. et K.* ⁹ leg *Sc. regis K.* ¹⁰ in *ms. Lond. et K. deest.*

¹¹ *K. add.*

^a Inculcatur idem postea, cap. 70. § 18.

^b Vide scholia ad cap. 1.

^c Vide cap. 61. § 6. et cap. 34. § 7.

falso conqueritur, et contradicit, et molitur; secundum quod natus est, culpa sit erga justiciam cui mentitus est; pro falso clamore, xx. marē culpa sit. § 15. ^a Qui bellum vadiaverit, et per iudicium defecerit, lx. sol¹ emendet. § 16. Omne autem bellum per emendacionem et respectum capi debet; addi vero poterit, non eciam demi, aliquid eorum in quibus bellum consistet; et non fiat bellum sine capitali, ad minus x. sol, nisi de furto vel huiusmodi nequicia compellacio sit, vel de pace regis infracta, vel in illis in quibus est capitale mortis ¹vel diffraccionis.' § 17. Et omnis tihla vel compellacio sit ejus qui socam et sacam ²suam plene' habet, et de suis hominibus et in suo. § 18. ^b Et si quis furem in eis que mortis sunt probatum, sine justicia dimittat, sit placitum ejus cujus socna erit. § 19. ^c Defectus justicie, ac violenta recti detencio, primo, secundo, et tercio, secundum legem requisiti, commune regis placitum est super omnes, sive socnam suam habeant, sive non habeant. § 20. ^d Singulos convenit, ut veram per omnia justiciam teneant, ^e et sic in malefacientibus misericordiam senciant, ne forisbannitum, aut furem handhabbendum, Francigenam vel Anglicum, ultra duodecimum etatis annum, et viii. deñ valens, impunitum transeant. Intra hunc etatis terminum, et hoc furti precium, poterit ei aliquociens, ³ per legis' beneficium, prima vice subveniri, condicione, sexu, participacione, eventu, furti qualitate. § 21. Omne autem furtum, mobile vel immobile, simplex aut multiplex, redimendum non est. Redimendorum alia membris, alia pecunia.

¹ *℞. Sc. diffraccionis K.* ² *in ms. Lond. et K. desunt.* ³ *plegii ms. Lond.*

^a Simile habes in legibus Guilielmi Primi, III. 12. cui concordat Glanvilla, lib. 2. c. 3.

^b Monendum hic lectorem duxi de veterum distinctione latrocinii vel furti in capitale et non capitale, quod forenses nostri juniores majus et minus, alias magnum et parvum, nuncupant; quibus majus sive magnum est cum res furto ablata xii. valet denariis; minus autem vel parvum, cum non tanti æstimaretur; et hoc flagro vel carcere, illud patibulo castigatur. Qua de re fusius Spelman. in Glossar. verbo 'Laricinium,' et D. Cowell. Instit. Jur. Angl. lib. 4. tit. 16. sect. 28.

^c Vide scholia ad cap. 22. et cap. 23. Adde Glanvill. lib. 12. c. 7.

^d Vide Spelman. Concil. tom. 1. pag. 522. cap. Concilii Ænhamensis 28. (huius edit. pp. 314, 315.) et leges Cnuti, Sec. cap. 11. unde hæc, ut videtur, desumpta.

^e Vide scholia ad cap. 10.

§ 22. In omnibus vero furtis, aut solus compellans est aut plures, servi vel liberi, divisim vel permixtim, fugitivi vel non fugitivi, unum dominum habentes vel non. § 23. Si servus, in redimendis immobilibus intra viii. denar. estimatis furetur, reddat dominus ejus repetenti capitale suum semel, et verberetur et signetur ab eodem repetente, prima vice. Si in mortificantibus handhabbenda sit, sicut liber moriatur. § 24. Si liber cum servo furetur, liber solus paciatur. Quicquid evenerit dampnationis vel redemptionis, ^aservus domino suo reddatur, jure castigandus. § 25. Si plures servi furentur, unus pro omnibus paciatur, et is sit quem sors obtulerit. Si furtum redimendum sit, capitale repetentis simul conjectent. Si plures furentur unam ovem, aut porcum, aut deinceps aliquid majus, aut morte puniendum, simul omnes paciantur, sive furtum simplex sit aut multiplex. § 26. De fugitivis vero, conducticiis vel residentibus, servis vel liberis, secundum legem perquisitis institutum, prima vice, furatos reducendos et signandos esse. § 27. ^bSi quis ex proclamatione, quam apud justiciam fecerit, placitum suscipiat, quod de furto, vel robaria¹, forestel, et grithbreche, et hamsocna, et similibus, apud justiciam de aliquo clamorem faciat, aut inde eum convincat, aut emendet.

LX. DE CONTRAMANDACIONE PLACITI PER JUSTICIAM SUAM.

§ 1. Si quis positum per justiciam placitum contramandare velit, contramandet utrimque, accusato scilicet et justicie. Si accusato contramandet, et justiciam pretermittat, overseunesse culpa sit. Si soli justicie contramandet, causam suam perdet. § 2. Si quis, die placitandi suscepto, in servitium domini sui

¹ vel hujusmodi sit nullam inde sine licencia justicie latentem vel patentem reconciliacionem faciat. Qui enim de furto et robaria, &c. *mss. Seld. Twysd. et Lond. add.*

^a Ac si vitæ et necis servorum, ut olim jure gentium, domini adhuc potestatem retinerent.

^b Huc, ni fallor, plus minus pertinet lex illa regis Ælfredi, cap. 22: 'Lif mon on folcer gemot,' quam sic Latine versam habes apud Jorvalensem: 'Si quis in conventu publico præposito regis proclamationem ostendat, vel ostensionem denuntiet, et postea cessare velit, pertrahat ad rectam manum si possit; si non possit, perdat suum angildum, et reddat witam præposito.' Nec huic videtur alienum quod habetur hic supra non procul a fine cap. 24.

iturus ait, hoc faciat. Si coagentes sint homines unius domini, respectet, si velit, inter eos terminum, donec alius de servicio suo redeat. Si vicinus et compar sit ejus cum quo agitur, et alterius domini, contramandet placitum ad numerum comitatum, secundum legem, et iterum et tercio, si opus sit tanto; ut sit respectus in omnibus secundum causam respectandam, secundum quod coagentes homines vel tenentes ejus erunt, si placitum aliquo modo pertineat ad eum; item juxta quod processerit, vel pactum fuerit, sive in eodem comitatu maneat vel non; diffinito autem inter aliquos longiori termino, si contramandans remaneat, vel cicius redeat. § 3. Si vicecomes, vel prepositus aliquis, de proprio placito suo, diem ponat alicui baronum, et ad terminum conductum¹ non veniat, ²convictus est cum quo agebat, nisi competens eum necessitas detineat, si de placitis capitalibus et de propriis placitis regis sit.

LXI. ³DE PLACITO ALICUJUS DOMINI CUM PREPOSITO SUO ET SIBI SUBJECTIS.

§ 1. Si dominus inter prepositum et sibi subditos placitum condicat, qui sine legitima ratione remanserit nichilominus, causam suam perdat, et overseunessam domini emendet. § 2. Si dominus ministro suo precipiat ut causam suam agat, et idem minister ad diem non veniat, nec eum ydoneum quid detineat, quietum jure dicimus super quem causa erat, et minister domino ⁴suo suppleat, si per eum quid amittat. § 3. Nullus dominus de propria causa sua frangat placitum erga ⁵hominem suum, nisi, secundum quod prediximus, major justicia, exorta queremonia, presit eis. § 4. Si quis sit serviens regis, vel cujuslibet potestatis ministrator, et alium tamen dominum habeat, cum singulis juste componat de hiis que ad eos pertinent. § 5. Si dominus conqueratur de homine suo in eis que pertinent ad potestatem regiam, et dies inde placitandi ponatur, si non veniat dominus, quietus est homo ejus. § 6. Si quis forte causam habeat contra dominum suum, remanere potest infirmitatis, vel ⁶legis inoperacionis, vel [regis]

¹ et diem *ms. Lond. add.* ² quietus *ms. Lond. et K.* ³ in *Sc. deest rubrica.* ⁴ in *ms. Lond. deest.* ⁵ hominem *ms. Lond.* dominum *Sc.*
⁶ regis *K.*

^a Vide paulo infra, § 7., et supra, cap. 59. § 1., utrumque sit forensium nostrorum essonium, ut vocant, 'de malo lecti,' de quo Glan-

inplacitacionis excessibus: et si communis eorum dominus detineat eum, salvare potest diem ejus; set sive antea sive postmodum inplacitet alius aliquis eum, et eundem vel alium diem ponat, ¹ei jure semper preerit dominus cujus ligius est. § 7. De omnibus et quibuscunque ²sciendum, quod cause quas prediximus ad excusacionem sufficiunt, et quaslibet inpugnacionum decertaciones evertunt: hoc est vel infirmitatis, vel domini necessitatis, vel contramandacionis, vel regis inplacitacionis, vel inoperacionis causa. § 8. Et omnis justicia potest respectare placitum sibi subditorum quod posuit, donec eidem per competens interesse possit. Si vero non contradixit, et paratum tamen sit ut coram eo debeat agi, qui non venerit, amiserit, et overseunesse culpa sit, nisi soinus intercedat. § 9. Et unicuique domino licet ³induciare placitum hominum suorum, si in eo est, sive posuit vel non posuit ⁴diem. De furto autem, vel de hiis que sunt mortis, faciat secundum quod soca et saca ejus erit. § 10. Si quis dapifer, vel prepositus, vel minister, placitum domini sui contramandet, ita sit, quicquid dominus ejus dicat, si redierit, et placitum adversarii sui fractum esse velit. § 11. Si quis ⁵inter homines suos, per eorum querimoniam, placitum ipse posuit, et idem promiserit interesse, nulli eorum quorum causa est, sine prelocucione vel ejus licencia, respectare vel inde finire possit. § 12. Et nemo jure possit irrecuperabiliter perdere vel forisfacere placitum domini sui: viderit itaque cum quo agetur, si contracausator non veniat quem pro se mittat. § 13. Multi vero possunt emendare placitum domini sui potius quam amittere, unde, si quis etiam de propria causa tractaret que ad feodum suum disracionandum pertineret, et eam aliquo placitandi casu perderet, hoc sibi ⁶non domino suo perdiderit. Quod si domino ejus videatur ut injuste quid actum sit, potest ad placiti principium reformare, sive ⁷suus homo suscepit vel non suscepit inde iudicium: ^anemo enim potest de feodo domini sui placitare sine

¹ei unus unde forte preerit ei *ms. Lond.* ²sciendum *K.* ³judicare *Sc.* induciare *K.* ⁴in *Sc. et K. deest.* ⁵per *Sc.* inter *K.* ⁶non *ms. Lond. et K. add.* ⁷servus *ms. Twysd.*

villa, lib. 1. cap. 18. et alii, (quod nihil aliud est quam partis se a iudicio absentantis ex infirmitate excusatio) perantiqua ipsius vestigia hic aperit.

^a Sensum loci a paucis lineis præcedentibus, ubi hæc: 'Nemo jure possit irrecuperabiliter perdere vel forisfacere placitum domini

eo, nec cogi debet rectum ejus forspeken nec forspillen. § 14. De omnibus et quibuscunque causis communibus vel emendabilibus inplacitetur aliquis, si petierit, debet habere terminum requirendi et habendi dominum suum, ubicunque sit, ex competenti; modus enim in omnibus. § 15. Si quis Romam, vel Ierusalem, vel in regiones longinquas, ierit, habeat eum cui rerum suarum curam commiserit. § 16. Si sine domino aut termino placitare cogatur aliquis, injustum est, et per iudicium poterunt recapitulare placitum ejus et emendare. § 17. Quando autem aliquis inplacitatur sine domino suo, nisi de illis sit in quibus statim oporteat responderi, ut de furto, de incendio, de murthero, de hamsocna, et capitalibus, terminum querat ac respectum, donec dominum suum habeat, secundum rectum; et iterum, si opus est, vadium det, et plegios mittat. § 18. Capitales enim et criminales cause suam ubique retinent malicie prerogativam. Et si ibi confitebitur, vel ordine iudiciario convincitur, jam condemnatus est. Negetur itaque statim quod nunquam sane fateri licet, et sit inde iudicium an in presenti finiendum, an ad terminum ¹differendum sit, juxta legalitatem accusantium et cause statum. Differt enim de infami, et saisiato, et de societate compellato. § 19. Nulli, vel aliquando vel alicubi, necesse sit, de causis exaccionalibus, secundum quod prediximus, improvise respondere, sed habeant optimi quique legalem placitandi terminum et locum, quamdiu rectum non difforceiaverint. § 20. ^aEt si quis inplacitetur de quibus submonitus non fuerit, nec ad hoc venerit, terminum habeat legitimum. § 21. Et nemo placitet dissaisiatus.

LXII. DE OBSERVACIONE TEMPORIS LEGES FACIENDI.

§ 1. ^bAb Adventu Domini usque ad Epiphanie octabas, et a LXX. usque ad xv. dies post Pascha, et festis diebus, et quatuor

¹ differendi *Sc.*

sui,' &c. et hinc advocatio illa orta, quam exteri authores laudationem, nos autem warantiam vocamus, de qua passim in forensium nostratum libris.

^a Vide scholia ad cap. 53.

^b Major pars istius capituli (ad hæc nempe 'voluptatibus instituti' inclusive) peti videtur e canonibus regis Edgari & leg. Cnuti, Eccl. c. 17. Vide cap. Decret. 22. qu. 5. et Wormii Monum. Danica, l. 1. c. 11. p. 83. Concordant Fœdus Edo. et Guthr. regum c. 9. et Vetus Custumar. Norman. cap. in Gallico exemplari 81, in Latino vero 80,

temporum, et diebus Quadragesimalibus, et aliis legitimis jejuniis, et in diebus Veneris, et vigiliis ¹sanctorum Apostolorum, non est tempus leges faciendi, ²i. vel jusjurandum pro fidelitate domini,³ vel concordiam, vel bellum, vel ferri, vel aque, vel ⁴alias legis examinationes tractari; set sit in omnibus vera pax, beata caritas, ad honorem Omnipotentis Dei, cujus sapiencia conditi sumus, nativitate provecti, a morte redempti, consolacione securi. § 2. Et qui debitor est, ante persolvat vel induciet, donec dies isti transeant, gaudiis et honestis voluptatibus instituti. § 3. ⁵Et si quis malefactum inter manus habens alicubi retinetur, ibi purgetur vel sordidetur. ⁶Si solum inculpacio sit, plegiis, si opus est, datis, ubi justum fuerit terminanda, revertatur.

LXIII. DE IMPLACITACIONE JUDICIS FISCALIS.

In causis ubi judex fiscalis aliquem inplacitet de socna sua, sine alio accusatore, sive ⁷sagemanno, ⁸sive investitura, si quis se tercio vicinorum suorum purget, satis est propter justicie

¹ singulorum *K.* ² idem vel jusjurandum nisi primo fidelitate domini *ms. Lond. et K.* ³ in *ms. Lond. et K. deest.* ⁴ sakemanno *K.* ⁵ sine *K.*

cujus hæc sunt verba: 'Notandum autem est quod quædam sint tempora in quibus leges non debent fieri, nec simplices nec apertæ, videlicet omnia tempora in quibus matrimonia non possunt celebrari. Ecclesia autem legibus apparentibus omnes dies festivos prohibet ac defendit, viz. ab hora nona die Jovis (Sabbati potius) usque ad ortum die Solis in die Lunæ sequente, et omnes dies solemnes novem lectionum, et solemnum jejuniorum, et quatuor temporum, et dedicationis ecclesiæ, in qua duellum (nonne deest 'non'?) est deducendum.' Hinc facultas illa archiepiscopalis justitiariis itinerantibus impertita de juramentis tempore Quadragesimæ reis deferendis, de qua in Antiqu. Britann. p. 209. Monendum hic quod quatuor anni tempora litigiis apud nos dicata, quæ 'terminos' hodie vocamus, ævum istud non agnovit, nec horum alicubi ulla mentio ante Henr. II. tempora; eorum primus, quod sciam, meminit author Dialogi, ut vocatur, Scaccharii, qui tamen terminos tantum Paschæ et S. Michaelis commemorat. Lapsus interim Polydor. Vergilius, terminorum nostrorum originem Guilielmo Primo attribuens; sed bene potuit in Anglia errare Italus, ut clar. Selden. de eo in simili.

^a De quo plura scholiis ad c. 9. Affirmatur enim heic juris illud civilis axioma reum sortiri forum delicti.

^b Id est, si sine seisina (ut cum Bractono loquar, lib. 3. tract. 2. c. 32.) vel sine investitura, ut hic cap. prox. sequ., suspectus scil. tantum et accusatus de aliquo crimine, non autem possessionis arguendus aut in facto, hoc est, in flagranti crimine deprehensus.

reverenciam. In aliis, ^apreter dominum, nemo sine testibus, ¹sive competentibus¹ et cogentibus circumstantiis, in ceteris accusationibus allegiandus est. Multe enim sunt et multorum inculpaciones, que jure publico non procedunt, sicut supra monuimus; set dum favorem et gratiam dominorum catervatim sequimur, maliciosa semper cupiditate, ^{*}prepostera candida nigris, nigra candidis commutamus; unde consequenter et sane competenter evenit, ut continuis miseriarum passionibus, ac variis infortuniorum casibus, nosmetipsos evertamus.

*prepostere?

LXIV. ^{LXXVII. b 2} DE CHRISTIANA CONSUETUDINE LOCUTIONUM SECUNDUM QUOD SUNT.¹

§ 1. Omnis tihla tractetur ²antejuramento, plano vel observato,¹ sepius aut semel, sicut loci consuetudo erit⁴; omnia enim locorum consuetudine, causarum accione, modo causancium, multipharie variantur. In quibusdam locis, juramenti vel antejuramenti multa est distancia, sicut in delatura et pluribus aliis. In ^cHamtescira, ^dqui verborum jurat observanciis, semel juret, et in eo lapsus vel elapsus judicetur. In quibus-

¹ sine competenti termino *ms. Lond. et K.* ² *ms. Lond. hoc lemma habet*: De tractatione locutionum, secundum quod sunt. ³ juramentum quod observando *ms. Lond. et K.* ⁴ vel compellans precesserit, juxta rei meritum et cause modum *mss. Seld. Twysd. Lond. et K. add.*

De genere et numero est causarum quæ in accusatione non manifestatione dicuntur consistere, de quo vide supra c. 9. § 1. et schol. ibidem.

^a Simile quid apud Bracton. lib. 3. tract. 2. c. 32. num. 2. ‘Sed si seisitus (inquit) non inveniatur de aliquo latrocinio, non habet quis potestatem inquirendi, nec procedendi contra ipsum ad inquisitiones, nisi ipse dominus rex in curia sua.’ Vide Glanvilla, lib. 14. c. 2. et harum legum, c. 45; item Magnam, ut vocant, Chartam, c. 28.

^b Titulus plane corruptus et obscurus; quomodo autem restituendus ignorare me fateor; locutio autem heic quid significet docebitur in Glossario extremo opere. *ms. Lond.* habet hoc lemma: ‘De tractatione locutionum, secundum quod sunt.’

^c Comitatum intellige Hantonensem, Hampshire vulgo, ut doctiss. Spelm. observatum, verbo ‘Hantesia.’

^d Juramentum, ni fallor, signant hæc tam stricte præstandum, ut ne vel in minimo liceat præstanti a verborum formula qua deferitur recedere, ne causa cadat. Adstipulator Vetus Normann. Customar. Latin. c. 85. ubi hæc: ‘Notandum etiam est, quod si deraisnator verba dimiserit vel mutaverit, et juraverit quæ ei in deraisnatione fuerint escariata, ejus deraisnatio reprobatur, et similiter si quis coadjutor defuerit, vel verba escariata dimiserit, vel mutaverit, vel

dam locis, quociens velit juramentum repetat, donec efficiat vel deficiat. Continget etiam antejuramentum non dari non frangi per alterum fieri a re ipsa, a persona, prelacione, nacione, merito. Malorum autem ¹infestacionibus, et ²perjurancium conspiracione, ³depositum est frangens juramentum, ut magis ⁴Dei iudicium ab accusatis eligatur; et unde accusatus cum

¹infestacionibus *K.* ²juramentum *ms. Lond.* jurancium *K.* ³dispositum *Sc.* depositum *ms. Lond. et K.* ⁴ei *K.*

etiam ad deraisnam oporteat evocari, vel compelli, vel attrahi.' Idem autem rigoris requiri videtur in duello, vel in causa duello terminanda, Glanvilla teste. (lib. 14. c. 1, quem vide lib. 2. c. 3.) 'Sciendum,' inquit, 'quod ex quo fuerit duellum in huiusmodi placitis vadiatum, non potest alterutra partium verbis in ipsius vadii datione propositis aliquid adjicere, vel diminuere, vel aliquatenus a proposito declinare, vel resilire, quin pro victo habeatur, et lege victi censeatur.' Loquendi hæc occurrit formula in legibus Guilielmi Primi II. c. 3: 'Et si Anglicus non audeat eum probare per bellum, defendat se Francigena plano' (quomodo habetur in *ms.* regio, haud 'pleno,' ut ibi per errorem) 'juramento, non in verborum observantiis.' Locus cui parem habes in cap. earundem legum III. c. 12, præsertim in fine. Porro juramentum in verborum observantiis præstitum, idem esse reor, quod in his legibus juramentum vel (quod idem sonat) sacramentum non fractum pluries dictum adverto, et juramento, quod vocatur planum, contrarium. Sic enim juramenta distinguunt in planum scil. et observatum, ut in hujus capituli initio. Hinc est quod ubi in fine præcitatae legis Guiliel. Primi, III. c. 12. legislator vult Francigenam purgare se 'sacramento non fracto' (apud Hoveden habetur 'sacramento non ferro,' perperam; ad fidem exemplaris Saxon. in Textu Roffensi 'mib unpoþeban aþe,' 'cum sacramento non fracto') in lege postea II. c. 3. perinde ac si clavem hic adhibeat prioris aperiendi gratia, instituit, ut defendat se Francigena 'plano' (sic enim legendum est, ut dixi, non pleno) 'juramento, non in verborum observantiis,' quod quasi repetitum habes paulo post in capite hoc: 'Francigene quoque et alienigene in verborum observantiis non frangunt,' i. e. plano, non autem quod in verborum observantiis consistit, juramento utuntur. Mitto alia in hoc capitulo his similia. Quid autem sit planum, quid observatum juramentum, ediscas licet ex jurandi formulis a Petro Greg. Tholosano traditis in Syntagm. Juris Universi, lib. 50. c. 8. num. 1. et 3: 'Quoddam (inquit) solemne juramentum, quoddam non solemne dicitur. Solemne dicitur quod habet certas solemnitates præscriptas et dictatas, vel a partibus deferentibus, vel a iudice, vel a lege, cum certa verborum conceptione' (idem forte quod Matth. Paris. Histor. p. 321. lin. 33. literatorium dictum) 'a qua varietate juranti nec recedere liceat, vel si recedatur ratum non erit, l. 3. et l. non erit ratum 5. c. jusjurandum, et ad pecunias, 34. § Qui jusjurandum de jurejur. Juramentum non solemne est, quod summarie et de plano præstatur, sine delectu verborum aut locorum,' &c. Plura, si placet, vide apud Annæum Robertum Rer. Judicatar. c. 11. et Dempster. de Juram. lib. 1. c. 8.

* *L. tripon-*
dum.

una decima se purgaret per electionem et sortem, si ad iudicium ferri calidi vadat. In quibus vero causis triplicem¹ wereladam haberet, ferat iudicium *² tripodum, i. LX. so³. § 2. LXXVIII. In furto, et murthero, et prodicione, et incendio, et domus infraccione, et eis que ad disfaccionem pertinent, omnes fracto sacramento jurent⁴ in Westsexa, exceptis thainis, et presbiteris, et eis qui legalitatem suam in nullo diminuerunt. Hii de quacunque compellacione, capitali vel communi, plane jurabunt, congruo numero⁵ consacramentalium, et qualitate parium suorum retenta; quia^a thaini jusjurandum contra valet jusjurandum sex villanorum, et si occideretur, plene vindicaretur in sex villanis, et si emendaretur, ejus weregyldum est VI. villanorum weregyldum. § 3. Misse presbiteri et secularis thaini jusjurandum, in Anglorum lege, computatur eque carum; Francigene quoque⁵ et alienigene in verborum observanciis non frangunt. § 4. LXXIX. Si quis de homicidio accusetur, et idem se purgare velit, secundum natale suum perneget, quod est werelada, ut qui ex parte patris erunt fracto juramento, qui ex materna cognacione erunt plane se sacramento juraturos advertant. § 5. LXXX. ^b Item, si quis sine iudicio occidatur, et parentes ejus innoxiare velint, quod innocens et sine merito sit occisus, predicto modo faciant. § 6. Si quilibet rem in communi propriare velint sibi, et utrimque sint testes et furtiva dicatur, qui melius testimonium habebit, pro-

¹ vero se ladam *K.* ² tripodis *K.* ³ ut *ms. Lond.* ⁴ sacramentalium *ms. Lond. et K.* ⁵ vel *Sc.*

^a Id est, thaini jusjurandum æquivalet (sic verto ‘contra valet,’ unde nostrum ‘countervaille’ eodem sensu,) jusjurandum sex villanorum. Hæc autem quæ sequuntur ad ista ‘computatur æque carum’ translata sunt e legibus Æthelstani (cf. pp. 182, 183. c. 13.); ubi qui thainus hic ‘twelfhinde-man’ appellatur.

^b Vide c. 74. § 1, 2. et LL. Æthelstani, I. c. 11. Hæc autem et sequentia ad ista, ‘postquam furabitur’ hausta sunt pleraque e legibus Cnuti, Sec. c. 24. Huc etiam tendunt legum illarum, Guil. Primi, I. c. 45. et 46. quorum intellectus adhuc in aliquibus obscuris citatæ legis ope perquam facile innotescat. Huc etiam ex quadam parte pertinet posterior pars LL. Æthelredi, II. 9. ubi id ipsum quod hic, veluti juris communis regula allatum: ‘for þam aʒnung bið nep þam þe hæfð þonne þam þe ærcepppeccð;’ i. e., Jorvalensi interprete, ‘quia purgatio (l. propriatio. v. Hottoman. Disput. de Feud. c. 43.) propinquior est semper possidenti quam repetenti.’ ‘Weninga’ sive ‘weminga’ hic, ut obiter notem, scribendum forte ‘ceninga.’ Significatum quæras in Glossar. in voce ‘Advocatio.’

bacioni propior sit, et solus fracto juramento suam esse comprobet, et testes ejus plane confirment. Si secus sit, semper erit possidens propior quam repetens et habeat, aut ille, si potest, ^{LXXXI.} ¹werminga resistat, que ultra terciam vicem non procedit. Et nobis non videtur rectum, secundum legem, ut aliquis, si propriare velit, compellatur, ubi cognosci potest quod et testis interest, saltem ante VI. menses postquam furabitur. § 7. Quando quis jurare debeat solus, quando cum pluribus, in causa semper est et persona, juxta legalitatem et modum concausancium in omni ordine, et juxta precium capitalis et wite. § 8. ^a Sacerdos qui regularem vitam ducat, in simplici accusatione solus, in triplici cum duobus ordinis sui juret. Diaconus in simplici compellacione cum duobus, in triplici cum VI. diaconibus se allegiet. Plebeius sacerdos purget se sicut regularis diaconus. Presbiter, ab episcopo vel archidiacono suo accusatus, se sexto juret sacerdotum legitimorum, sicut ad missam paratorum. § 9. ^b Et sit omnis homo credibilis, qui non fuit accusationibus infamatus, et ² neutrum ei fregerit, vel juramentum vel ordalium in hundreto, simplici lada dignus. Incredibili eligatur simplex lada in tribus hundretis, et ³ triplex lada, tam' late sicut ad ipsam curiam obeditur, vel eat ad ordalium, et inducatur simplex ⁴ lada simplici prejuramento, et triplex lada' triplici prejuracione. Et nullum unquam antejuramentum condonetur.

LXV. DE DIMISSIONE FURIS.

§ 1. ^c Si quis furem gratis dimittat, emendet secundum weram ipsius furis, aut plena lada perneget, quod cum eo falsum

¹ weminga *ms. Lond.* wemunga *K.* ² venturum *ms. Lond.* ³ simplex lada cum *Sc. K. ut in textu.* ⁴ in *ms. Lond. et K. desunt.*

^a Hæc et quæ sequuntur ad ista, 'sicut regularis diaconus,' prompta sunt e legibus Cnuti, E. c. 5. ubi idipsum quod hic verbatim fere statutum est. Veterem autem legis illius versionem quæras, si placet, in Spelm. Concil. tom. i. p. 562.

^b Hæc et quæ sequuntur in finem capitis sumpta sunt e legibus Cnuti, Sec. c. 22. unde errata et hic et in exhibitione per Spelman. in Glossario suo, verbo 'Lada simplex,' facile cernenda, corrigenda.

^c 'Si quis furem gratis dimittat:' concordat LL. Inæ, c. 36. et Cnuti, Sec. c. 29. e quibus, præsertim posteriori, hæc et quæ sequuntur ad ista 'se ladiet,' c. 3. sumpta sunt. Posterior autem illa (Cnuti) lex apud Jorvalensem sic se habet: 'Si quis furi obviaverit, et sine vociferatione eum dimiserit, emendet secundum weram ipsius

nescivit. § 2. Si quis audito clamore non exierit, reddat overseunessam regis, aut plane se ladiet. § 3. ^aSi quis adeo sit incredibilis hundreto, et a tribus simul incusetur, tunc nichil aliud interveniat quin ad triplex ordalium eat; et eligat accusatus alterutrum quod velit, sive simplex ordalium, sive jusjurandum unius libre in tribus hundredis super xxx. den. Et si jurare non audeant cum eo, eat ad triplex ordalium; et inducatur triplex ordalium hoc modo, sumat v. et ipse sit sextus. § 4. Si dominus compelletur, quod suorum aliquis ¹prelatorum consilio suo fugerit, et antea malum fecerit, assumat secum v. credibiles thainos, et idem sit sextus, et inde se purget. § 5. ^bSi quis amicis destitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accusatione ponatur in hengen, et ibi sustineat, donec ad Dei judicium vadat.

¹ compellatorum *ms. Lond. et K.*

furis, vel plena lada se adlegiet, quod cum eo falsum nescivit.' Hac de re vide plura per D. Edw. Cocum, Institut. par. 2. p. 126, ex Bractono, et aliis allata. Guilielmum I. legem illam suam (I. c. 49.) hinc mutuatum esse quis non videt? a lege sc. illa Cnuti 29. Invicem enim collatæ eædem apparent, ac sese mutuo exponunt.

^a Hæc et sequentia ad ista 'et inde se purget' plane desumpta sunt e legibus Æthelredi, I. c. 1. et Cnuti, Sec. c. 30, 31. Notandum insuper, quod inter hæc 'eat ad triplex ordalium' et quæ proxime sequuntur, plura in legibus illis Æthelredi et Cnuti, unde hæc deprompta sunt, plane interveniant; nimirum hæc, ut habentur apud Jorvalensem: 'si dominus ejus dicat tunc, quod ei neutrum, vel juramentum vel ordalium, fregerit, &c. assumat idem dominus secum duos homines credibiles in ipso hundredo, et jurent, quod illi nunquam juramentum vel ordalium fregerit, vel furigeldum reddidit, nisi talem præpositum habeat, qui eo dignus sit ut hoc facere possit, si juramentum procedat.'

^b Hæc et sequentia ad finem usque capitis deducta peto e legibus Cnuti, Sec. c. 35. Vide Spelman. Glossarium in vocibus 'Carcantum' et 'Henghen.' Hinc illud Bractoni, lib. 1. tract. 2. c. 8. num. 1: 'Et si advena fuerit et ignotus de longinquo veniens peregrinus, vel si pro penuria amicorum plegios invenire non possit, ejus sit plegius gaola, quæ ad custodiendum deputatur, et non ad puniendum.' Locus re vera paulo altius petitur, viz. e legibus Edo. Sen. cap. 6. 'Si quis accusetur de furto (ita Jorvalensis) capiant eum in plegio qui domino suo commendaverunt illum, quod de hoc se adlegiet; vel alii amici, si habet, faciant hoc. Si nesciat quis eum capiat in plegium, accipiant quibus hoc pertinet de pecunia sua inborghum: si neutrum habeat, nec pecuniam suam nec plegium, tunc servetur ad judicandum.'

LXVI. DE OCCISIONE MINISTRI ALTARIS.

§ 1. Si quis ministrum altaris occidat, utlaga sit erga Deum et homines, nisi digna satisfaccione peniteat, et parentibus illius juste componat, ¹vel werelada perneget; et hoc infra xxx. noctes incipiat apud Deum et homines, super omne quod habet.

§ 2. ²Si quis minister altaris hominem occidat, vel malis actibus supra modum ^bdifferatur, ordine simul et dignitate privetur, et peregrinetur, sicut ei papa² injunget, et opus emendet³, et si se purgare velit, tripliciter hoc faciat; et nisi infra xxx. noctes hoc incipiat, erga Deum et homines utlaga sit.

§ 3. Si quis ordinatorum ⁴aliquem verberibus, ⁵vel vinculis, vel aliquatenus affligat, emendet ei sicut rectum sit, et episcopo emendacionem altaris, secundum dignitatem ordinis; regi vel domino plenam mundbreche, vel plena ⁶lada perneget.

§ 4. Si quis morti dampnatus confiteri desideret, nunquam negetur ei; quod si quis ei deneget, emendet regi cxx. soł, vel cum vi. juret, quod hoc non fecisset.

§ 5. Si quis Dei rectitudines per vim deforciet, emendet lahslit cum Dacis, plenam witam cum Anglicis, vel ita neget, assumat xi., et idem sit xii^{us}.

§ 6. Si quis burcbotam vel brigbotam, vel ⁷fierdfare supersederit, emendet hoc erga regem cxx. soł in Anglorum laga; in Denelaga, sicut stetit antea, vel ita se allegiet, nominetur ei xiiii. et acquirat ex eis xi. ^{lxxxii}

In hiis vero, secundum legem, nominati sacramentales vicini habendi sunt, quia solus non potuit tantis efficienciis invisibilis affuisse.

§ 7. Si manupastus alicujus accusetur de furto, solus paterfamilias emendare potest, si velit, fracta lege sine prejurante.

§ 8. Si quis furti vel hujusmodi periculosa capitalium compellacione pulsetur, secundum legem Wessexe, antejuramentum a compellante habeatur, et ^{*}aliter

* alter?

¹ in *K. deest.* ² suus *ms. Lond. et K. add.* ³ sedulo *ms. Lond. et K. add.* ⁴ in *ms. Lond. deest.* ⁵ aut *ms. Lond.* ⁶ plaga *ms. Lond.* ⁷ fudfare *ms. Lond.*

^a Hæc cum sequentibus ad ista 'et acquirat ex eis undecim' integre hauriuntur e legibus Cnuti, Sec. c. 39, 41, 42, 44, 49, 66. Simile ex quadam parte Fœdus exhibet Edo. et Guthr. reges, c. 5. Vide Concil. Ænham. c. 32. Vide Jorvalens. c. 62. p. 927. Vide supra, c. 57. § 8.

^b Legerem 'diffamatur' aut 'deferatur:' vide supra, c. 5. § 8. et seqq. et infra, c. 73. § 2.

se ^asexto ¹decime sue¹ purgetur; sicut accusator precesserit, secundum meritum concausancium, et cause modum. § 9. Si quis a vicecomite vel justicia regis legitime inplacitetur de furto, de incendio, de robaria, vel similibus, ad triplicem ladam jure sit applicandus; tunc oportet, ut die congruo xxx. consacramentales habeat, quorum nullus in aliquo reculpandus sit, et cum xv. ex eis, quos justicia selegerit, sextusdecimus juret, sicut causa dictabit. § 10. ^{LXXXIII.} In Myrcenis habendi sunt in triplici lada xxxv. consacramentales; in Denelaga, XLVIII. electi, et sorte potius quam eleccione juraturi.

LXVII. DE HOMINE INFAMATO.

§ 1. Sit omnis homo, qui non fuerit accusacionibus infamatus, ²simplici lada ³dignus, sicut prediximus. Incredibili eligatur simplex lada,⁴ in tribus hundretis: ^{LXXXIV.}triplex *lada tam late sicut ad ipsam curiam obeditur. ^{LXXXV.} Et de omnibus causis unde accusatus juraret se sexto, sit iudicium xx. so^l. In triplici lada ferrum iudiciale triplex sit, i. LX. so^l. § 2. ^{LXXXVI.} ^bIn causis que cotidie non cessant, par contra parem solus juret, inferior contra superiorem se altero vel tercio, ⁴contra dominum se tercio⁵ ⁵vel sexto;⁶ in weminga duo sunt contra unum, et ejusdem dignitatis.

LXVIII. DE SOLUCIONE LIBERI AUT SERVI OCCISI.

§ 1. Si quis liber aut servus occidatur, natalis sui precio legitime componatur, nisi satisfaccionis iudicium dampnis corporalibus ampliatur; continget enim, qui aliquem occiderit vel

¹ in *ms. Lond. et K. desunt.* ² triplici *ms. Lond.* ³ in *K. deest.*
⁴ *ms. Lond. et K. omittunt.* ⁵ in *ms. Lond. desunt.*

^a Forte 'sexta manu decimæ suæ' uti Glossar. Lindenbrogi in verb. 'Sibi alterum.'

^b Institutum hoc aliquid habet affinitatis cum Magno Norman. Customar. c. 85: ubi hæc: 'Notandum etiam est, quod secundum diversas personas plures vel pauciores in deraïsnis exiguntur adjuutores. Inter pares enim vel vicinos potest quilibet se tertia manu facere deraïsnam; versus autem dominum, sexta manu in curia domini sui. Si autem in curia domini superioris placitaverit, se tertia manu deraïsnabit versus dominum suum, et simili modo dominus versus hominem suum. In curia enim domini superioris placitando sunt quasi pares, versus autem domini regis servientem quinta manu debet fieri deraïсна.' Id ipsum reperies repetitum postea, c. 125. in Latino exemplari, in Gallico autem c. 122.

plagiaverit, sue vite periculum vel membrorum detrimenta sustinebit. § 2. Alternantur enim omnia: loco, ut si in ecclesia, vel domo regis, vel in expedicione, vel familia, vel civitate, vel hujusmodi perpetua pacis habitacione, proveniat: ^a tempore, si dies festus sit, si rex in hostico vel in ipso sit comitatu: persona, si serviens regis sit, vel alterius domini prepositus aut minister, vel quoquo modo securam pacis tranquillitatem preferat, sive per breve, sive per aliud. § 3. ^{LXXXVII. b} Et licet omnis presbiter, undecumque oriundus, si canonicam vel regularem vitam ducat, in seculari dignitate, thaini legem habeat; si tamen occidatur, et hoc ad emendacionem pertrahi liceat, secundum natale suum reddatur. Si de thainis natus est, thaini wera reddatur; si de villainis, similiter conjectetur; et tam in clericis quam in laicis observandum, ut ad patrem non ad matrem generacio dirigatur. § 4. Et nemo ¹sub servitute' natus, ante legitimam libertatem, sacris ordinibus admittatur. § 5. Si ordinatus aliquis occidatur, super rectam weram, primus gradus emendetur una libra cum digna penitencia; in secundo gradu, reddantur due libre, pro infractura ordinis, super rectam weram, cum digna penitencia; in tercio gradu, III. libre; in quarto gradu, IIII. libre; in quinto gradu, v. libre; in sexto gradu, VI. libre; in septimo gradu, VII. libre emendentur, super rectam weram, cum digna penitencia. Et ad ordinis infracturam de pace componatur juste, secundum factum. Et ordinis emendacionis una pars sit episcopi, alia altaris, tercia societatis. § 6. Qui occiderit episcopum, sit in arbitrio principis et episcoporum. § 7. ^c Qui monachum vel clericum occiderit, arma

¹ in ms. Lond. et K. desunt.

^a Quemadmodum enim tempus culpam aggravat et pœnam ampliat, sic hæc tempora exempli gratia specificantur; inde descenditur ad personam.

^b Sic etiam statuit olim rex Æthelstanus, ut in legibus suis apud Greatanleiam, c. ult. 'De Weris,' videre est (hujus edit. p. 182. c. 12.); quod quidem caput, in codice regio ms. a Spelman. Concil. tom. 1. p. 406 laudato, sic Latine exprimitur: 'Missæ presbyteri et secularis taini jusjurandum in Anglorum lege æque carum, et pro septem ordinibus ecclesiæ, quibus sacerdos per Dei donum ascendit, ut haberet taini rectitudinem dignus est.'

^c Vide Capitul. Car. et Lud. Impp. lib. 6. tit. 90. et 97. Hoc etiam et sequentium quamplurima peti videntur e canonibus quibus titulus 'Excerptum Egberti Archiep.' c. 3. apud Spelm. t. 1. Concil. p. 283. Wilk. t. 1. p. 101.

relinquat, et Deo serviat; et si casu perpetravit et ¹nolens, vii. annis peniteat; si volens fecit, usque ad exitum vite peniteat.²
 § 8. Si diaconus vel presbiter homicidium fecerit, deponatur, et peniteat, secundum episcopi sui iudicium. § 9. Qui patrem aut matrem casu occiderit, xv. annis peniteat; si voluntate, usque ad exitum vite. § 10. Qui ad homicidium consenserit, vii. annis peniteat, uno anno in pane et aqua. § 11. Si servus jussu domini sui hominem occidat, xl. dies peniteat in pane et aqua, et tribus Quadragesimis cum legitimis feriis a carne et potu se abstineat: dominus ejus peniteat ³xv. annis. § 12. Qui hominem occiderit in publico bello, vel in defensione domini sui, tantundem peniteat.

LXIX. DE OCCISIONE ANGLICI.

Si quis Anglicus sine merito suo occidatur, secundum precium natalis sui et loci consuetudinem, de vera parentibus componatur, et wita et manbota dominis, sicut justum est, ad modum ipsius were. De twyhindi hominis vera, debent reddi, secundum legem, xxx. soł ad manbotam, ⁴i. hodie v. mance; de ⁵twelfhindo, i. thaino, cxx. soł, que faciant xx. ⁶mancas.

LXX. LXXXVIII. CONSUETUDO WESTSEXE.

§ 1. ^{LXXXIX.} In Westsexa, que caput regni est et legum, ⁷twyhindi, i. villani vera est ^{III.} liḅ; ⁸twelfhindi, i. thaini xxv. liḅ. § 2. ^{xc.} ^a Si servus servum occidat, domino reddantur xx. soł pro manbota, parentibus interfecti servi, xl. deñ. § 3. Si dominus occisoris nec pro eo reddit, nec servus habet unde reddat, dimittere potest eum dominus, ut ⁹sibi caveat, nisi forte ¹⁰cravetur dum secum est; quod si eveniat, eum ¹¹repetentibus reddat, vel inde componat. § 4. Si liber servum occidat, similiter reddat parentibus xl. deñ, et duas ¹²mufflas, et unum ¹³pullum mutilatum; domino servi xx. soł pro manbota; blod-

¹ noluit *ms. Lond.* ² *mss. Seld. Twysd. et Lond. hæc inserunt:* Qui ad homicidium consenserit, pœniteat septem annis, uno anno in pane et aqua. *Hæc in Sc. et K. lin. tertia sequ. invenies.* ³ decem *ms. Lond. et K.* ⁴ idemve *ms. Lond.* ⁵ theshindo *ms. Lond.* ⁶ marcas *ms. Lond.* ⁷ tehindi *ms. Lond.* ⁸ thelhindi *ms. Lond.* ⁹ si *Sc.* ¹⁰ gravetur *K. cavetur Sc.* ¹¹ parentibus *ms. Lond.* ¹² musflas *Sc. mufflas mss. Seld. Twysd. et K.* ¹³ pullum mutilatum *K. billum mutilatum Sc.*

^a Vide Lindenbrog. Glossar. verb. 'Servus 15 sol. valens.'

witam, vel ¹fihtwitam sicut acciderit. § 5. Si servus Waliscus Anglicum hominem occidat, debet ille cujus servus est reddere eum domino et parentibus, vel dare xl. soł pro vita sua. Si hoc capitale nolit dare pro eo, dimittat eum liberum, solvant postea parentes ejus weram illam, si cognacionem habeat liberam: si non habeat, observent eum inimici. ²Non cogitur liber cum servo meggildare, nisi velit ei ³satisfaccionem facere, nec servus cum libero. § 6. Si Anglicus homo Dacum occidat, liber liberum, persolvat eum xxv. ⁴lið, vel ipse malefactor reddatur, et tantundem reddat Dacus de Anglico, si eum occidat. § 8. Si Anglicus Dacum servum occidat, reddat eum xx. soł, et Dacus similiter Anglicum, si eum occidat: ^{xci.} attamen persolvantur plena werā. § 9. ^{xcii.} Si se invicem occidant liberi, vel nativitate vel casu servi, unus pro alio jaceat. Si superhabundat aliquis eorum in genitura, querant parentes ejus were vel vindicte superplus. Si ⁵unius dignitatis et paritatis sint, in eo consistat. § 10. ^{xciii.} Si quis de servo liber ⁶factus occidatur, omne malum occisoris pro nichilo reputatur, si homicidium fecerit contra legem, quia scilicet rectum quod inde habiturus erat sibi abstulit; reddat vero quem occiderit, tanquam ab eo nichil passus sit. § 11. ^{xciv.} Qui pacem facit cum aliquo de vulnere vel malo quod inflixerit, ⁷distincte cum testibus et gratuita parentum ejus unanimitate finiat, ut ei scilicet sic non requiratur a genitis vel ⁸gignendis, quicquid postea contingat. Sepe etenim fatigacio secuta est desuper natura, que sanitatem intempestam doloribus obduxerit. § 12. Similiter, ^{xcv.} si mulier homicidium faciat, in eam vel in progeniem vel parentes ejus vindicetur, vel inde componat; non in virum suum, ⁹seu clientelam innocentem. Sive autem sponte aut non sponte fiant hec, nichilominus tamen emendetur; que enim per inscienciam peccamus, per industriam corrigamus: amicie tamen et venie propius vel remocius erit, sicut meritum ejus qui occisus est interfuit, ¹⁰et sicut acciderit. § 13. Si mulier occidatur, sicut weregildum ejus est reddatur, ex parte patris, sicut observamus in aliis. § 14. Si pregnans occidatur, et puer in ea vivat, uterque plena werā reddatur. Si nondum vivus sit, dimidia werā solvatur parentibus ex parte

¹ fightwyttam *ms. Lond.* ² Ne *ms. Lond.* ³ faccionem *Sc.* ⁴ marc *ms. Lond. et K.* ⁵ minus *ms. Lond.* ⁶ in *ms. Lond. et K. deest.* ⁷ districte *K.* ⁸ ingenitis *mss. Seld. Twysd. Lond. et K.* ⁹ vel *ms. Lond. et K.* ¹⁰ in *ms. Lond. et K. deest.*

patris. De manbota vero utriusque vel alterius, domino jure conveniat. § 15. Si infans occidat vel occidatur, sive nomen habeat sive non habeat, plena wera ¹commutetur. § 16. Mulieres que fornicantur, et partus suos extinguunt, et eas qui secum agunt, ut utero conceptum excutiant, ²antiqua ³diffinicio, usque ad exitum vite, removet ab ecclesia, nunc clemencius diffinitur, x. añ peniteant. Mulier si partum suum ante xl. dies sponte perdiderit, ⁴iiii. annis peniteat; si postquam animatus est, quia homicida, vii. añ peniteat. § 17. Mulier si duobus fratribus nupserit, abjiciatur usque in die mortis; in extremis tamen, propter humanitatem, reconcilietur. § 18. ^{xvii.} ^a Si quis pater mortuus fuerit, et filium vel filiam hereditandam reliquerit, usque ad xv. etatis annos, nec causam prosequantur nec judicium subeant, set, sub tutoribus et actoribus, sint in parentum legitima custodia saisiti, sicut pater eorum fuit in die mortis et vite sue. § 19. ^b Et nullus hereditate suo propinquo, vel extranei periculose sane custodie, committatur. § 20. ^{xvii.} ^c Si quis sine liberis decesserit, pater aut mater ejus in hereditatem succedant; vel frater aut soror, si pater ⁵aut mater ⁶desint; si nec hos habeat, soror patris vel matris; et deinceps, in quintum geniculum, quicumque propinquiores in

¹ sic *Wilk.* cōmercetur *K.* conjectetur *Sc.* ² antiquam *Sc.* ³ diffunccio *Sc.* ⁴ tribus *Sc.* ⁵ aut *K. et Sc.* ⁶ desinunt *K.*

^a Vide Glanvill. lib. 13. c. 15. fol. 105 a.

^b Hinc illud, forte, Glanvillæ et aliorum posterioris ævi juristarum nostrorum municipalium axioma sive juris nostri communis regula: 'Numquam enim (ita Glanvill. lib. 7. c. 11.) custodia alicujus de jure alicui remaneat de quo habeatur suspicio, quod possit vel velit aliquod jus in ipsa hereditate clamare.'

^c Vide testamentum Regis Ælfredi, sub finem vitæ suæ per Asse-rium. Hinc, forte, forensium nostratium placitum, de quo in statuto 'Regis prærogativa' inscripto cap. finali: 'Fœminæ non participabunt cum masculis.' Videantur etiam Glanvill. l. 7. c. 3. et Bracton. lib. 2. c. 30. num. 3. ubi id ipsum velut juris regula affertur. Utrum autem hoc et quæ utrinque adhærent a lin. sc. 18. 'si quis sine liberis' ad ista 'non hereditetur,' lin. 2, pag. seq., juris sint Anglicani primigenii, seu potius integre petita e lege Ripuariorum, dubitandum censeo. Audi enim quid in ea ipsa lege, tit. 56, de Alodibus statutum exhibet Codex LL. Antiquarum, p. 460: 'Si quis absque liberis defunctus fuerit, si pater materque superstites fuerint, in hæreditatem succedant; si pater materque non fuerint, frater et soror succedant. Si autem nec eos habuerit, tunc frater et soror matris patrisque succedant, et deinceps, usque ad quintum geniculum, qui proximus fuerit in hæreditatem succedat: sed dum virilis sexus extiterit, fœmina in hæreditatem aviaticam non succedat.'

parentela fuerint, hereditario jure succedant; et dum virilis sexus extiterit, et hereditas ab inde sit, femina non hereditetur. § 21. ^a Primo patris feodum primogenitus filius habeat; ^b emptiones vero, vel deinceps acquisitiones suas det cui magis velit. Si bocland habeat quam ei parentes dederint, non mittat eum extra cognacionem suam, ^c sicut prediximus. § 22. ^d Si sponsa virum suum supervixerit, dotem et maritacionem suam,

^a Capitale, ni fallor, signat messuagium, ut forensibus nostris dictum, de quo Glanvilla nostras, de hæreditate inter filios partiunda verba faciens: 'salvo tamen (inquit) capitali messuagio primogenito filio, pro dignitate esinecie sue.' Hunc sequutus est Bractonus, lib. 2. c. 34. Concordat Magnum Normann. Customar. c. (in exempl. Gallico) 26: 'le chief de l'heritage remaindra a l'aisne,' &c., id est, juxta Latin. exemplar, 'capitale herbergagium primogenito remanebit, sicut ædificia in eo constructa continebunt. Clausum autem sive gardinum vel ortum eidem remanebit, dum tamen fratribus legitimam fecerit excambiationem super hoc ad valorem;' vide Glossar. Latin. ibidem. Mihi idem hoc videtur quod in legibus Inæ, c. 38. 'þrum-þrol' dictum occurrit, i. e. prima vel primaria sedes vel mansio, quibusdam hodie vulgo 'the homestall.'

^b Heic videatur Bractonus, fol. 273 a. 407 b. et 409 b. Exemplum, ni fallor, valde appositum suppeditat charta in archivis eccl. Cant. cujusdam Normanni dicti le Wautier, de tota terra sua in Suthwerke ecclesiæ Cantuar. donata, anno Gratiae 1204: 'Et quia (inquit) prædicta terra de libero catallo et proprio perquisito meo fuit, et non de aliqua hæreditate parentum meorum, ideo Deum inde et S. Thomam Martyrem et Sanctos Cantuariensis ecclesiæ, et conventum monachorum ejusdem, hæredem meum legitimum inscribo, et hac mea charta in perpetuum constituo.' Glanvilla autem nostras, lib. 7. c. 1, paulo aliter, et cum quadam adhibita limitatione: 'Si vero (inquit) questum tantum habuerit is qui partem terre sue donare voluerit, tunc quidem hoc ei licet, sed non totum questum, quia non potest filium suum heredem exheredare; veruntamen, si nullum heredem filium vel filiam ex corpore suo procreaverit, poterit quidem ex quæstu suo cuicumque voluerit quandam partem donare, sive totum questum hereditabiliter.'

^c Nusquam, quod sciam, sic prædixit legislator: in sequentibus, fateor, sic instituit, c. 88. § 14. Id ipsum autem vult Ælfredus Rex in legum suarum c. 41, cui conforme testamentum ejusdem regis, sub finem vitæ suæ per Asserium, quoad terras suas quas vocat liberas (quo nomine, opinor, boclands indigitat, voce illa in L.L. Ælfredi, c. 41. occurrente sic versa apud Jorvalensem), limitatione tamen in lege memorata adhibita; 'si,' nimirum, 'scriptum intersit, et testes, quod eorum prohibitio fuerit, qui hanc inprimis acquirerint, et ipsorum qui dederint ei, ne hoc possit;' alioqui enim 'bocland,' cum sit terra sua natura libera, ad libitum possidentis licite posse alienari, et, ut cum forensibus nostris loquar, forisfamiliari existimo. Vide tractat. clar. Somn. de Gavelkynd, c. 4. et Glossar. in voce 'Bocland.'

^d Hic iterum ingerit se Ripuariorum lex, tit. 37. 'De dotibus mulierum,' quam hic locus usque ad 'nihil inde recipiat' totus spirat,

cartarum instrumentis vel testium exhibicionibus ei traditam, perpetualiter habeat, et ¹morgangivam suam et terciam partem de omni collaboratione sua, preter vestes et lectum suum: et si quid ex eis in elemosinis vel communi necessitate consumpserit, nichil inde recipiat. § 23. Si mulier absque liberis moriatur, parentes ejus cum marito suo partem suam dividant.

LXXI. DE HOMICIDIO ²VEL ALIIS MALEFICIIS.⁷

§ 1. ³Si quis veneno, vel sortilegio, vel ³invultuacione, seu maleficio aliquo, faciat homicidium, sive illi paratum sit sive alii, nichil refert, quin factum mortiferum, et nullo modo redimendum sit. ⁴Reddatur utique qui fuerit reus hujusmodi parentibus ⁴et amicis⁷ interfecti, ut eorum misericordiam ⁵aut judicium senciatur, quibus ipse non pepercit. Si res in compellacione sit, et emundacione ⁶miseveniat, episcopi judicio reservetur. Et si beneficio legis ad misericordiam vel concordiam pertrahatur, de vera mortui plene satisficiat; et vitam, et manbotam, et, omnibus rite pacatis, ⁶plegios legalitatis deinceps inveniatur: triplex vero lada vel ⁷emundacio in

¹ morhangifam *ms. Lond.* ² in *mss. Seld. Twysd. et Lond. desunt.*
³ in vultu accione *Sc. invultuacione ms. Lond. et K.* ⁴ in *ms. Lond. et K. desunt.* ⁵ et *Sc. aut K.* ⁶ misse veniat *ms. Lond. et K.*
⁷ emendacio sit in agendis hujusmodi *ms. Lond. et K.*

unde erratorum hic corrigendorum facultas. ‘Si quis mulierem desponsaverit, (lex loquitur,) quicquid ei per tabularum seu chartarum instrumenta conscripserit, perpetualiter inconvulsum permaneat. Si autem per seriem scripturarum ei nihil contulerit, si virum supervixerit, L. sol. in dotem recipiat, et tertiam partem de omni re quam simul conlaboraverint sibi studeat evindicare, vel quicquid ei in morgangeba traditum fuerat, similiter faciat. Quod si ex his quæ conscripta vel tradita sunt simul consumpserint aliquid, nihil (inde) requirat.’

^a Prima, secunda, et tertia hujus capituli linea corruptæ videntur; sensum autem loci talem existimo: homicidium veneno, sortilegio, vulneratione, seu maleficio aliquo ejusmodi illatum scelus, esse inextinguibile et nullo modo redimendum. Simile habes in LL. Æthelstani, I. c. 6.

^b Vid. c. 92. Traductum hoc videtur e LL. Cnuti, Sec. c. 57. quod vide.

^c Cætera lingua vernacula sic exprimo: ‘Let him find sureties for his good abearing in time to come,’ quod juris est consultum nobis adhuc in usu, et quam antiquum hinc collige; vid. LL. Edo. Confess. c. 18. Rem autem altius petendam censeo a supra memorato, scil. LL. Æthelstani, I. c. 6. ubi hoc modo cautum est: ‘ȝ ȝanzon him on boþh ꝥ he ærfe ȝȝylceȝ ȝerȝice.’

¹agendis ^ahujusmodi sit.' § 2. ²Si autem insorticator non fuerit mortuus, set cutis variacionem vel probabilem corporis contrahat egritudinem,' emendetur, sapientum antiquis diffinitionibus, sicut acciderit.

LXXII. DIFFINICIO HOMICIDII.

§ 1. Homicidium fit multis modis, multaque distancia in eo est, in causa, et in personis. Aliquando ³autem fit per cupiditatem, vel contencionem temporalium, fit etiam per ebrietatem, fit per jussionem alicujus, fit etiam pro defensione et justicia, de quibus ita meminit beatus Augustinus de sermone Domini in monte: 'Si homicidium ⁴est hominem' occidere, potest aliquando accidere sine peccato; nam miles hostem, et judex nocentem, et cui forte invito vel imprudenti telum manu fugit, non michi videntur peccare, cum hominem occidunt.' ^bBeatus Ieronymus: 'Homicidas et sacrilegos punire non [est] effusio sanguinis, set ministerium legum;' et ipsa lex dicit: 'Si dimiseris virum dignum morte, anima tua erit pro anima ejus.'

§ 2. Fit etiam homicidium casu, consilio. Aliter etiam est, si clericus vel laicus cum propinquis vel extraneis agant hoc vel paciantur; et alii plures modi sunt, qui maxime ad penitentes pertinebunt, quibus aptanda quidem est et amica participacione providenda medicina, secundum etatem, et possibilitatem, et virtutem, et confessionem singulorum, in oracionibus, in vigiliis, in jejuniis, in elemosinis, et ⁵beneficencie modis.' § 3. Qui non potest jejunando peccata curare, potest elemosina redimere; elemosina sufficit sine jejunio, ⁶jejunium non sufficit sine elemosina.' Jejunium cum elemosina duplex bonum est, sine elemosina nullum bonum est. Unusquisque donum suum a Deo habet, nec querit penitencie spacium, set modum.

¹*Sc. omittit.* ²' Si vero insorciatus non fuerit modo vivus, sed cutis variacionem vel probacionem corporis contrahat *ms. Lond. et K.* ³*in ms. Lond. deest.* ⁴' hominem reddit *ms. Lond.* ⁵' beneficie modis *ms. Lond.* ⁶' *in ms. Lond. desunt.*

^a *Sc. criminum hujusmodi diluendorum gratia, juxta dicti Regis Æthelstani memoratæ legis tenorem. Re vera capitulum hoc quasi integre inde haustum videtur, et e lege illa Cnuti, Sec. 57. quibuscum, ex quadam parte, præsertim posteriori, concordat lex Ripuariorum, tit. 83.*

^b Vide Excerptiones Ecgberti Archiep. c. 80. in Spelm. Concil. to. 1. p. 266; Wilk. Conc. t. 1. p. 106. c. 82.

LXXIII. ^aDE ORDINATIS HOMICIDIIS.

§ 1. Si episcopus homicidium faciat, deponatur et peniteat xii. añ, vii. in pane et aqua, et v. jejundet iii. diebus in ebdomada, et aliis communi cibo utatur. § 2. Si presbiter hominem occidat, vel monachus, ordinem perdat, et peniteat x. añ, ¹vi. in pane et aqua, et iii. jejundet in ebdomada ²iii. dies, ceteris utatur cibo suo. Si presbiter hominem vulneret, c. dies jejundet. § 3. Si diaconus hominem occidat, exordinetur, et vii. annis peniteat, iii. in pane et aqua, et iii. jejundet iii. diebus in ebdomada, in ceteris communi cibo utatur. § 4. Si clericus hominem occidat, ³vi. annis peniteat, ⁴iii. in pane et aqua, et duos jejundet tribus diebus in ebdomada. § 5. ⁵Si laicus hominem occidat, v. añ peniteat, iii. in pane et aqua, et ii. annis tribus diebus jejundet in ebdomada. § 6. Si quis ordinatum occidat vel proximum suum, exeat de patria sua, et Romam adeat, et papam et consilium ejus scire⁶ faciat. De adulterio, vel fornicacione, vel nunne concubitu, similiter peniteat.

LXXIV. ^{xcviii.}DE PURGACIONE OCCISORUM.

§ 1. ^bSi parentes eorum purgare velint eos qui injuste vel sine iudicio fuerint occisi, liceat eis, secundum legem pristinam, werelada pernegare. ^{xcix.}Si ad iii. libras natus sit, cum ⁷xviii. ex⁷ patre sint, ex matre iii. ^cSi ad xiiii. lib, cum xvi. Si bene juraverint, ⁸atrium ei⁷ querat qui occidit, et emendet ei per omnia, sicut lex et consuetudo loci sit, et wera parentibus, et manbota domino. § 2. Et qui culpam exigit de fure occiso, eat se tercio, ut duo sint de cognacione patris, tercius de cognacione matris, et jurent, quod in cognato suo nullum factum erat pro quo de vita forisfactus esset; et eant

¹ septem *ms. Lond. et K.* ² tribus diebus *ms. Lond.* ³ quinque *K.*
⁴ tres *K.* ⁵ in *ms. Lond. et K. desunt.* ⁶ scire *ms. Lond. et K. add.*
⁷ octo de *ms. Lond.* ⁸ atri ut ei *K.*

^a Istud caput integre petitur, ni fallor, e Canonibus Regis Edgari, sub tit. 'Modus imponendi pœnitentiam,' quem consule.

^b De his et seqq. ad ista 'manbota domino' consulas velim harum LL. c. 64. § 5. et leges Edo. Confess. c. 36. Hæc autem 'atrium ei quærat qui occidit,' sic intelligenda puto: 'sanctuarium sibi petat.'

alii cum XII., et superjurent ei in mundiciam que ante dicitur. Quod si parentes mortui nolint illuc venire, constituto termino, emendet unusquisque cxx. sol., qui super hoc loquebatur. § 3. Si aliquis homo ex contencione aliqua vel rebus repentinis occidatur, requirat eum dominus suus per plegium, et pro mortuo plenam et eam rectitudinem offerat, quam pro vivo faceret, de quo rectum non difforciaverit: si ei denegetur, et interim amittatur, vel a bestiis aut avibus devoretur, vel si ab occisoribus inhumetur, vel circumsepiatur, hoc preter weram iudicio componatur.

LXXV. DE OCCISORIBUS DOMINORUM SUORUM.

§ 1. Si quis dominum suum occidat, si capiatur, nullo modo se redimat, set de comacione vel ²excoriacione, severa gencium animadversione, dampnetur, ut diris tormentorum cruciatibus et male mortis infortuniis infelicem prius animam exhalasse, quam finem doloribus excepisse videatur; et, si posset fieri, remissionis amplius apud inferos invenisse, quam in terra reliquisse protestetur; in omnibus enim humane pravitatis excessibus, medicine salutaris fomenta prolata sunt, preter tradicionem Domini, et blasphemiam Spiritus Sancti, i. habere cor impenitens, quod, juxta verbum Domini, non remittetur alicui, vel in hoc seculo vel in futuro. § 2. Quisquis itaque de morte domini sui, per se vel per susceptam vel per suspectam personam, aliqua rerum accione, vel subintroduccione, tractabit, vite sue culpa sit, et omnium que habebit; et si placitum in accusatione sit, werelada, sicut ipse ³dominus natus est, abnegabit. § 3. Si quis hominem suum sine culpa mortis occidat, parentibus ejus, sicut natus est, nichilominus eum reddat; quia videlicet ad serviendum, non ad occidendum, ^{cl.} ⁴servus erat; et si dominus in capite est, manbota remaneat. § 4. ^{cii.} ^aQui servum suum occiderit, suum peccatum est et dampnum. Si ipso die quo vulneratus est, vel alio modo afflictus, tanquam in manibus domini sui, moriatur, crudelius est et gravius, sicut in lege Moysy scriptum est. § 5. Qui aliquem de parentibus

¹ alicujus *ms. Lond.* ² accusacione vel ita postremo *ms. Lond.* ejus cacione *Sc.* excoriacione *K.* ³ in *K. deest.* ⁴ suus *ms. Lond. et K.*

^a Huc forte pertinet sanctio illa inter Canones Regis Edgari, tit. 'Modus imponendi pœnitentiam.'

suis occidit, dignis apud Deum penitencie fructibus emendet; et in modo penitencie sit, si sponte vel casu perpetravit; et excidat emendacio patrini sicut manbota domini; si ¹non pertineat ei utrumque, et aliorum inopportunitate, quorum consanguineus ²est, cogatur eum reddere, sapientum hoc iudicio, secundum genus, componatur. § 6. ³Si Francigena qui

parentes non habeat in murthero perimatur, habeat ⁴precium natalis ejus ⁵qui murtherum ⁶abarnaverit; ⁷rex de hundredo ⁸ubi invenietur XL. marcē argenti; nisi intra VII. dies reddatur malefactor justicie regis, et talis de quo possit justicia

* habeat? fieri; vel qui occisum comprobet Anglicum, * habeatur iudicium ferri calidi, vel sicut rerum circumstanciis fuerit approbatum. § 7. ⁹Ad patrem vero, non ad matrem, generationis consideracio dirigatur; ¹⁰omnibus ¹¹enim Francigenis et alienigenis debet esse rex pro cognacione et advocato, si penitus alium ¹²non habeat. § 8. Si ex parte patris parentes

* eam? non habeat qui occiditur, et ex parte matris habeat, quantum ad * eum attinet, i. tertia pars weregildi sui reddatur. Si quis hujusmodi faciat homicidium, parentes ejus tantum were reddant, quantum pro ea reciperent, si occideretur. § 9. Si ex parte patris parentes habeat, et ex parte matris non habeat, et hominem occiderit, reddant ¹³pertinentes ei' quantum de ejus interfeccione reciperent, i. duas partes weregildi sui. § 10. Si quis autem paterna cognacione carens male pugnet ut hominem occidat, si tunc cognacionem maternam habeat, reddat ipsa terciam partem were, terciam congildones, pro tertia fugiat. Si nec maternam cognacionem habeat, reddant congildones dimidiam weram, pro dimidia fugiat vel componat. Si quis occidatur ejusmodi, secundum legem pristinam, si parentela careat, reddatur dimidium regi, dimidium congildonibus. § 11. Si quis moriens debitor testamenta tradicionis vel vendicionis aliqua fecerit, et filios vel filias non habuerit, quicunque de parentibus suis in heredi-

¹ K. *omittit.* ² non K. ³ spacium *ms. Lond. et K.* ⁴ *Sc. omittit.*
⁵ *peroraverit mss. Seld. Twysd. Lond. et K.* ⁶ K. *add.* ⁷ nisi *ms. Lond. et K.* ⁸ *in ms. Lond. et K. deest.* ⁹ *parentes mss. Seld. Twysd. Lond. et K.*

^a Plura de hoc vide infra c. 91, § 1. 92, § 6. et schol. *ibid.*

^b Sic etiam antea consultum est c. 68. § 3. et postea, c. 77. § 1.

^c Exemplum forte duxit legislator ex fœdere Edo. et Guthr. Regum, c. 12.

tatem successerit, ¹omne debitum ejus juste restituat, et omne factum ydoneare studeat, vel culpam incurrat.

LXXVI. DE PRECIO CUJUSLIBET.

§ 1. Si homo occidatur, sicut natus erit persolvatur. Et rectum est ut homicida, postquam weregildum vadiaverit, inveniatur wereplegios, sicut ad eam pertinebit, i. de thaino debent dari XII. wereplegii, VIII. de parte patris, et IIII. de cognacione matris; et cum hoc factum erit, elevetur inter eos pax regis in omni weregildo, et debet halsfang primo reddi, sicut were modus erit. § 2. Omnis autem vera liberorum est aut servorum. § 3. Servi alii natura, alii facto, et alii empcone, et alii redempcone, alii sua vel alterius dacione servi, et si que sunt alie species hujusmodi; quas tamen omnes volumus sub uno servitutis membro constitui, quem casum ponimus appellari, ut ita dictum sit, servi alii casu, alii genitura; liberi alii thwyhindi, alii syxhindi, alii twelfhindi. § 4. Thwihindus homo dicitur cujus vera est cc. soł, qui faciunt IIII. lib̄. Twelfhindus est homo plene nobilis, i. thainus, cujus vera est duodecies c. soł, qui faciunt libras ²xxv., cujus halsfang sunt ^acxx. soł, qui faciunt hodie soł L. Et non pertinet alii cognacioni pecunia ista, nisi illis qui sunt intra genu. § 5. ^bA die illa qua vera vadiata est in vicesimum unum diem ²debet halsfang reddi; ⁴inde in xx. unam noctem reddatur manbota; inde in xx. unam noctem, fythtwyte; inde in viginti unam noctem, ipsius were primum gildum; et sic omnibus parentibus dominisque emendacionibus iniciatis persolvantur reliquum were, intra terminum quem sapientes instituunt; deinde liceat per amorem procedere, si perfectam velint amicorum intrandi et exeundi licenciam habere. § 6. Eodem modo per omnia de

¹ vel cui weregildum ejus, si occisus esset, pertinebat *mss. Seld. Twysd. et Lond. add.* ² v. *Sc. xxv. K.* ³ in *ms. Lond. desunt.* habet hoc halsfangum reddi *Sc. K. ut in textu.* ⁴ in *K. desunt.*

^a Hinc est forte, quod ipsum crimen in LL. Cnuti, Sec. c. 15. cxx. sol. mulctatum, harum legum c. 34. § 3. L. solid. tantum plectatur. Unde autem hoc vide in Glossar. in voce 'Manca.'

^b Hic ingerit se legum illarum Regis Edmundi, Sec. c. 7. pars posterior: 'of þam bæge on .xxi. nihtum,' &c. Verba autem hæc 'intra genu' quid significant in obscuro est, nisi de cognatis æstimate personæ consanguinitate, non autem affinitate junctis, accipienda sunt.

¹cylrisci vel villani wera fieri debet, secundum modum suum, sicut de duodecies centeno diximus. Age enim de aliquo, secundum legem, qui natus sit ad **iiii. lið**, et quando vel quibus reddi debeat, vel quomodo distribui: halsfange ejus sunt **v. març**, que faciunt ²**xii. soð** et ³**vi. deñ**; est autem verbum Anglicum, quod Latine sonat ‘apprehensio colli.’ § 7. Si quis ad **iiii. lið** persolvendus occidatur, et ad id res veniat, ut precio natalis ejus componendus sit, primo debent reddi **xii. soð** et **vi. deñ**, et in wera numerari: reddantur vero patri, vel filio, vel fratri, vel qui propinquior est de patre, si predictos parentes non habeat: si omnes istos habeat, et ipsi dividant inter se. ^aA die qua wera vadiata est in **xxi. diem**, sine omni excusatione et dilacione, debet halsfang reddi, sicut premisimus, et hoc indivisum habeant a ceteris; inde ad **xxi. diem**, reddatur ipsius manbota; tunc ad **xxi. diem**, fuytwhita; inde ad **xxi. diem**, reddatur ipsius were frumgildum, i. **vii. soð** et **vi. deñ** ad explecionem **xx. soð**; inde componat, qui weram solvit, terminum de **xx. soð**; inde ponat terminum suum parentes mortui de **xl. ovis**, que pro **xx. soð** computantur; sint autem oves videntes et cornute, nulla parte corporis diminute; ultimo termino reddatur equus, qui pro **xx. soð** numerandus est. Hoc secundum legem et nostram consuetudinem diximus: diferencia tamen weregildi multa est in ^bCancia villanorum et baronum.

LXXVII. DE SOLUCIONE LIBERI VEL SERVI.⁶

§ 1. ^{ciii.} ^cSi quis de servo patre natus sit et matre libera, pro servo reddatur occisus in ea parte, ^dquia semper a patre non a matre generacionis ordo textitur. § 2. Si pater sit liber et

¹ cylrisci *Sc. sirlisci MS. Lond.* ² **xxii.** *Sc. xii. K.* ³ **xii.** *K.* ⁴ *in MS. Lond. deest.* ⁵ **solid** *MS. Lond.* ⁶ **occisi** *MS. Lond. add.*

^a Hic repetitio eorum quæ paulo ante dixerat legislator.

^b Utrum autem Cantium nostrum (comitatus sic dictus) villanos, forensium hujus temporis sensu, servos scil. et nativos, ut alias vocant, Saxonibus ‘*þeop, þpæl, pealh,*’ tunc temporis anteave aut citra agnovit necne, vide tract. clar. Somneri de Gavelkind. c. 3; utrumque Cantium in re weregildi præ cæteris locis esse notabile ex præmissis patet.

^c Contra jus civile Romanorum, ubi partus sequitur ventrem. Vide Fortescut. de Laud. LL. Angliæ, c. 42. et cl. Seldeni notas ibid.

^d Vid. schol. ad c. 75.

mater ancilla, pro libero reddatur occisus, si sit Anglicus vel non sit, ¹et nichil interveniat cur remaneat; aliquando autem erit sicut dominus ejus voluerit; ^avitulus autem matris est cujuscunque taurus alluserit. § 3. Si quis servus, natus vel factus, in libertatem transeat, habeat dominus suus manbotam liberi.

LXXVIII. DE LIBERACIONE SERVI.

§ 1. ^{civ.} Qui servum suum liberat, in ecclesia, vel mercato, vel comitatu, vel hundreto, coram testibus et palam faciat, et liberas ei vias et portas conscribat apertas, et lanceam et gladium, vel que liberorum arma sunt, in manibus ei ponat. § 2. Si quis in servum transeat, sicut possessor est, in halimoto vel hundreto vel vicinio, coram testibus, agatur, cum excoluerit, ut nec ille deinceps abneget, ^{cv.} et de singulis discrete sciatur cujus condicionis estimandi sunt, libere scilicet an servilis; ^bquia multi potentes volunt, si possunt, defendere homines suos, modo pro servo modo pro libero, sicut interim factu facilius sit; ^cset legibus hoc interdictum est; in signum vero transicionis hujus, ^dbillum vel ²strublum, vel deinceps ad hunc modum servitutis arma suscipiat, et manus in manus domini mittat, et caput. § 3. Si quis de servitute redeat in liberum, in testem manumissionis, cum testibus reddicionis, domino suo ^exxx. den

¹ sed *ms. Lond.*² stumblum *ms. Lond. et K.*

^a Hinc forte illud apud nos vulgare: 'The mother's is the surer side,' *i. e.* 'Laterum certius esse maternum;' hinc etiam aliud quotumitur in mentem venit proverbium: viz. 'Maritum teneri vitulum nutrire, quicumque rem habuerit cum vacca.' Anglice autem sic: 'Whosoever bulls the cow, the good man must keep the calf;' juxta illud 'filius est' (pater etiam) quem 'nuptiæ demonstrant.' De quo vide Glanvill. nostr. l. 7. c. 12, item Bracton. l. 1. c. 9. et l. 2. c. 29, Bartolum etiam in L. filium, 6. ff. de his qui sunt sui vel alieni juris, l. 5. ff. de in jus vocand.

^b Quod autem sequitur ad ista, 'factu facilius sit,' e legibus Cnuti, Sec. c. 20. ductum arbitror, ubi eadem verba: 'Maniz ꝛꝛecman pýle,' &c.

^c Sc. lege Regis Cnuti, Sec. c. xx., ubi hæc: 'Toc ꝑe nellað ȝeþapian þ unþiht, &c.:' Sed nolumus hanc injustitiam pati.

^d Forte 'billum vel stimulum,' quæ arma, ut videtur, servo propria, ut e contrario lancea et gladius libero. Vide supra initium capituli hujus 78.

^e Non tamen proprios, audiatur enim Glanvilla, lib. 5. c. 5. 'Notandum est (inquit) quod non potest aliquis in villenagio positus

reddat, scilicet, ³precium corii sui, in signum quod eo dignus sit in eternum. § 4. Si quis in occulto filium vel filiam

genuerit et celaverit, si forte occidantur, non est ei de vera respondendum post mortem, quorum pater non comparuit in vita. § 5. ^{cvi}. De inventis et pauperibus et abjectis posi-

tum est, si quis eos occidat, eque si parentes repetentes, vera, wita, manbota, sicut justum accidentia fecerit, persolvantur, vel in thaschis vel hujus suggerendis, sicut de ¹beldstodiis est institutum, quos parentes sui divites ac domini multa ²sinunt in progenies egestate mendicos; si pecuniam habebunt, sit domino cui prebendarii erant, si super terram ejus sit; que omnia forciora erunt, si sine distributione, vel divisione, vel commissione, et prelocutione erant ibi. § 6. Si quis a nativitate surdus et mutus sit, ut sua vel alterius nequeat interrogata confiteri, emendet pater ejus forisfacta sua. § 7. Insanos et ejusmodi, maleficos debent parentes sui misericorditer custodire.

LXXIX. DE LIBERACIONE FILIOLI ³VEL PATRINI.'

§ 1. Qui alterius filiolum vel patrinum occiderit, erga eum et parentes mortui ⁴communiter reus sit, et crescat emendacio

¹ beldstotis *K.*

² sint *K.*

³ in *ms. Lond. et K. desunt.*

⁴ in *ms. Lond. deest.*

libertatem suam propriis denariis suis querere; posset enim tunc a domino suo, secundum jus et consuetudinem regni, ad villenagium revocari, quia omnia catalla cujuslibet nativi ita intelliguntur esse in potestate domini sui, quod propriis denariis suis versus dominum suum a villenagio se redimere non poterit. Si vero quis extraneus eum ad liberandum emeret suis nummis, posset quidem perpetuo versus dominum suum, qui eum vendiderat, se in statu libertatis tueri. Vide tamen Lindenbrog. Glossar. in voce 'Redemptionale,' ubi redemptionem servi propria pecunia exterarum nationum jurisprudentia, saltem veteri, permissum esse reperies.

^a Quod alias 'hidegild' antiquitus vocatum. Vide eccles. legum Cnuti, c. 42. et Concil. Berghamsted., (huj. edit. pp. 38, 39.) Concil. tom. 1. ap. Spelm. p. 196. num. 11, 14, 16, (Wilk. tom. 1. p. 61.) ubi hoc ad 6 sol. æstimatur. Summa autem, licet in utroque loco videatur varia, revera tamen veterum æstimatione eadem est, ut in Glossar. ad fin. operis, in voce 'Manca' plenius docebitur. Lapsus interim, ni fallor, idem doctiss. eques in Glossar. suo, hidagium et hidegild veluti synonyma confundens: 'Hidagium (inquit) tributum quod ex singulis hidis colligitur, alias hidegild; vide Geldum.' Hidegild autem illo sensu, quod sciam, nusquam occurrit, quod hic 'pretium corii' dictum. Lex Salica, 42. § 2. habet 'solidos pro dorso suo reddere,' quod Lindenbrogio 'corium et dorsum redimere,' ne vapulet, puta.

secundum weram, sicut manbota secundum dominum. Si filiolus regis sit, per weram emendetur regi sicut cognacioni. Si occisor ejusdem parentele sit, remaneat emendacio patrini sicut et wita domini. § 2. Si quis in nuncium regis eat et

breve ejus deferat, qui eum innocentem occiderit in ^amiseri- cordia regis erit; et si commodum aliquod facere promiserat, hoc componat. § 3. Qui pacem regis fregerit, quam idem manu sua dabit alicui, si capiatur, de membris culpa sit.

§ 4. ^{civil} Si quis a vicecomite vel *ita ministro pacem regis habeat, si infringatur in eo, ¹griðbreche sit, et c. soġ emendetur, si ad emendandum venire liceat. § 5. Si quis in ecclesia

* alio?

faciat homicidium, hoc emendare non possit, sed persequatur eum omnis qui Deum diligit, nisi forsitan eveniat, ut, per aliquod pacis confugium, rex ei vitam indulgeat, dignis satisfaccionibus apud ²Deum et homines, sua prius induccione, ut emendare liceat; postea wera parentibus, manbota domino, wita cui pro- veniet. Et emendetur infraccio pacis ecclesie, et reconciliacio perquiratur, secundum dignitatem singulorum. § 6. ^{civil} Ma- tris et capitalis ecclesie ³griðbreche est ad minus ⁴sicut infrac- cio pacis regie, i. v. lið in Anglorum lege; medie L. soġ, que est wita regis; et adhuc minoris, ubi parva parochia est, et atrium ⁵cum sit, xxv. soġ; et campestris capelle, ubi non sit atrium, xii. soġ et vi. deñ.

LXXX. DE HOMICIDIO IN CURIA REGIS, EXERCITU, BURGO, VEL CASTELLO.

§ 1. In domo, vel in curia, vel in burgo, vel castello, vel exercitu, vel hostico regis, faciat aliquis homicidium, sit in

¹ grindebreche *ms. Lond. et K.* ² Dominum *ms. Twysd.* ³ grind- breche *ms. Lond.* ⁴ in *ms. Lond. et K. desunt.* ⁵ transit *ms. Lond. et K.*

^a Misericordia regis multiplex, gravior autem et levior, pro culpæ qualitate et aliis circumstanciis. Misericordiam autem regis hoc in loco intellectam explicatam habet Glanvillæ verbis, lib. 14. c. 1, ubi, de capitalis criminis convicto verba faciens, 'Ex regie (inquit) dispensationis beneficio tam vite quam membrorum suorum ejus pendet judicium,' quod Anglo-Saxonibus sic expressum: 'And rý on cý- ninger ðome hƿæðer he liƿe aze ðe naze: Et sit in arbitrio regis utrum vitam habeat vel non.' Misericordia hoc sensu accepta foren- sibus nostris amerciatmentum signat; sic autem dicta, quia cum nulla certa pœna in ea parte jure definita sit, persona censenda judicis re- linquitur misericordiæ, qui majorem vel minorem, pro suo arbitrio,

misericordia regis de pecunia vel membris. § 2. Si in via regia fiat assultus super aliquem, ^aforestal est, et c. sol emendetur regi,¹ si ibi calumpniam habeat, ²ut divadietur vel retineatur ibi malefactor, vel si est in socna regis. § 3. Tanta vero debet esse via ut inibi duo carri sibi possint ³ad invicem obviari, et bubulci de longo stimuli sui possint⁴ assimilare, et xvi. milites possint equitare de latere armati. ^bEt via regia dicitur que semper aperta est, quam nemo concludere potest vel avertere cum ⁴minis suis, que ducit in civitatem, vel burgum, vel castrum, vel portum ⁵regium. Et unaqueque civitas tot magistras vias quot magistras portas habet, ad theloneum et consuetudines insignitas. § 4. Forestal est, si quis ex transverso incurrat, vel in via expectet et assalliat inimicum suum; set si post eum expectet, vel evocet, ut ille revertatur in eum, non est forestal, si se defendat. § 5. ^cStredbreche c. sol emendetur. ⁶Stredbreche est, si quis viam frangat concludendo, vel avertendo, vel fodiendo. § 6. In cujuscunque terra fiat homicidium, qui socam et sacam suam habeat, si homicida divadietur ibi vel cravetur, fihwtam recipiat; si plures interfuerunt cum domino, vel preposito, vel adhuc modo aliquo, qui jus habeat in eos, si occisus et locus unius domini sint, qui socnam suam habeat, manbotam et fihwtam. § 7. ^{cix}. Si quis in domo vel in curia regis fecerit homicidium vel hominiplagium, de membris componat. Et domum regis vel ⁷curiam hoc loco dicimus ubicunque in regione sua sit, cujuscunque feodum vel mansio sit. Si quis tamen ⁸legitimos coaccionis

¹ maxime *ms. Lond. et K. add.* ² aut *K.* ³ *K. omittit.* ⁴ pannis *ms. Lond.* ruinis *ms. Seld.* ramis *ms. Twysd. et K.* ⁵ in *ms. Lond. deest.* ⁶ Sterbreche *K.* ⁷ locum *Sc.* curiam *K.* ⁸ legitimacionis vel *ms. Lond.*

animadversionem in eum exercet. Reus enim in hoc casu Gallice (unde verba hæc) dicitur ‘amercié,’ *i. e.* in forense Latinitate ‘in misericordia.’

^a Vide supra c. 12. § 2. ubi, ut et heic, forestal inter placita enumeratur emendabilia, scil. c. sol. Quid autem sit forestal, præter species ejus heic exhibitas, vide Glossar. ad finem operis.

^b Vide LL. Edo. Confess. c. 12. et placitum apud Pinendenam apud clar. Seld. notis ad Eadmer. p. 197. Wilk. Concil. t. 1. p. 324.

^c Recurre ad c. 12. § 2. ubi hoc reperies inter placita enumerari emendabilia, uti et heic, c. sol. Stredbreche autem, quid significet et unde ductum sit, verba heic immediate sequentia sat plane demonstrant.

testes habeat, vel Dei iudicium offerat, quod ^ase defendendo fecerit, Dei rectum est ut emendare liceat. § 8. Item qui in domibus archiepiscoporum, episcoporum, vel comitum, fecerit homicidium vel hominicedium, sicut causa fuerit, membrorum ¹vel pecunialis² emendacionis reus sit. § 9. Emendacio autem vel redemptio est juxta culpe meritum et loci consuetudinem; cum enim in omnibus grave sit, gravius tamen est de ^bparente domini occiso, de ministro suo, et ante eum: gravius est hoc effectum, et overseunessa vel multa constituta disfacione plectendum. De thainis vel et baronibus et qui sunt ejusmodi in overseunessa consistat, nisi amplius interveniat ut addatur, per pacis fraccionem, per hamsocnam, et similia, vel si sit homo ejus cujus est domus qui fuerit interfectus, vel percussus, vel quoquo modo afflictus. § 10. Hamsocna, ²quod domus invasionem Latine sonat, fit pluribus modis, extrinsecus vel et intrinsecus accidenciis. § 11. Hamsocna³ est, si quis ³alium in sua vel alterius domo cum ⁴haraido assaliaverit vel persequatur, ut portam vel domum sagittet vel lapidet, vel colum ostensibilem undecunque faciat. Hamsocna est, vel hamsocna, si quis premeditate ad domum eat, ubi suum hostem esse scit, et ibi eum invadat, si die vel nocte hoc faciat; et qui aliquem in molinum vel ovile fugientem prosequitur, hamsocna judicatur. Si in curia vel domo, sedicione orta, bellum eciam subsequatur, et quivis alium fugientem in aliam domum infuget, si ibi duo tecta sint, hamsocna reputetur. § 12. Infitht vel insocna est quod ab ipsis qui in domo sunt contubernales agitur; hoc eciam, sicut premisimus, wita emendabitur patri-familias, ⁴si questionem habeat querentem vel quesitam.

¹ pecunia vel *ms. Lond.* ² in *ms. Lond.* desunt. ³ in *ms. Lond.* deest.

^a Vide D. Cowelli Interpretem, verb. 'Se defendendo.' Simile habes postea, c. 87. § 6. et de eod. vide etiam c. 83. § 1. et Exodi c. xxii. ver. 2.

^b Parentis vox et hic et alibi harum legum sæpius obvia. Quod stricte aut proprie, ut apud veteres Romanos, accipienda sit haud sentio; verum plane (ut verbis utar viri undiquaque doctiss. Isaa. scil. Casauboni, Comm. in Capitol. p. 134.), quomodo in idiotismo Gallico, Hispanico etiam et Italico, pro quibuscunque sanguine vel affinitate junctis usurpatur; potest addi, et in feudorum libris, de quo vide Hotoman. De Verb. Feudal. et Lindenbrog. in voce.

^c Sensum pete ex 'Hariraida' et 'Herireita' apud doct. Spelm. Glossar.

^d *i. e.* 'si socnam habeat.' Vide c. 20. § 1. ubi hæc: 'in socna,'

LXXXI. ^{cx.} ^aDE PACE REGIS DANDA IN ¹POTACIONE.

§ 1. ²In omni potacione, dacioni, vel empcioni, vel gilde, vel ad quidlibet in hunc modum ³preparata, primo pax Dei et domini inter eos qui convenerint, publica prenunciacione ponenda est; et rogandum, ut si quis alium ibi quacunq̃ devitet occasione, si placet, palam faciat, et rectum ei vadietur competenti termino peragendum, sicut et ibi justum erit. Si presentem concordiam non admittunt, vel exeat vel recedat. cujus culpa claruerit ad odium. § 2. ⁴Si, postquam pax ita posita sit, a combibentibus in domo quid agatur, overseunessa

¹ præliis *mss. Lond. et Sc. add.* ² Non *ms. Lond. add.* ³ reparata *ms. Lond. et K.* ⁴ Si postquam posita sit ita *ms. Lond. et K.* Si priusquam pax ita posita sit *Sc.*

id est, 'in questione.' Jurisdictionem, ni fallor, signat 'in quærentem vel quæsitum,' id est, in contubernalium alterum infith vel insocnæ reum.

^a Et titulum et priorem partem capituli tam corrupta et obscura reperio, ut sensum alterutrius vix assequi possim, nisi LL. Inæ, c. 6. respiciant, ubi de rixa inter convivas ('decertacio in potacione,' Jorvalensi,) et ejus pœna inter alia agitur. De pace, ni fallor, cavetur hic in domo publici convivii servanda; talem Saxones eala-hûj appellabant, unde nostrum 'alehouse:' 'et pax quæ dabitur in ealahus emendetur de homine occiso vi. dimidiis marcis, de vivo xii. oris;' ita LL. Æthelredi, III. apud Venetingum, c. 1. Ad pleniorē autem hujus capituli intelligentiam quædam de veterum Germanorum (a quibus tum Normanni tum Saxones oriundi) moribus paulo altius petenda sunt. Audiamus igitur, quæ de illis ut luculentissime scripsit, Cornelium Tacitum, insignem illum historicum, in peculiari tractatu de moribus Germanorum: 'Diem,' inquit, 'noctemque continuare potando nulli probrum. Crebræ, ut inter vinolentos, rixæ raro convitiis, sæpius cæde et vulneribus transiguntur; sed et de reconciliandis invicem inimicis et jungendis affinitatibus, et adsciscendis principibus, de pace denique et bello plerumque in conviviiis consultant, tanquam nullo magis tempore aut ad simplices cogitationes pateat animus, aut ad magnas incalescat.' Hoc in parte et de aliis nationibus tradit Quintil. in Declam. his verbis: 'Ut severa nobis antiquitas tradidit infestos animos placavere mensæ, et homines, qui inter se armis atque exercitibus conflixerant, tuti tamen jacuere media cœnæ fide.' Id hodieque durare inter Germanos testatur vir doctus in libro Anglico ('A Discourse concerning the Lord's Supper,' by R. C.), cujus hæc sunt verba: 'The Germans still use to conclude of bargains, and ratify friendship between parties, by drinking together, as appears by that phrase they have—the Frieden trincken—pacem bibere.' Potationum hujusmodi quædam, ni fallor, umbra adhuc manet in 'alis,' ut vocantur in partibus Angliæ occidentalibus et aquilone, nondum exoletis, ubi quemadmodum etiam in vigiliis (vulgo 'wakes') convenitur, non solum convivii causa, sed et

est emendandum domino domus, vel cui proveniet, si ^acravatus et retentus sit ibi, et sit alterius domini. § 3. ¹Quidam, villani qui sunt, ejusmodi leierwitam, et blodwitam, et hujusmodi minora ²forisfacta, emerunt a dominis suis, vel quoquomodo meruerunt ³de suis et in suos, quorum fletgefoth vel overseunessa est xxx. deñ; cothseti xv. deñ; servi ⁴vi. deñ. § 4. Si quis ad arma prosiliat et domum ⁵exfrediet, nec tamen aliquem percuciat, dimidio forisfacto culpa consistat.

LXXXII. DE ALIQUIBUS INIMICIS AD INVICEM.

§ 1. ^bIn omni causa, si quis inimicum residentem habeat, non ante in pugnet eum quam ⁶ipsum ter et per bonos testes de recto requirat, et ei cujus homo est, et, si opus est, justicie que preerit, ostendat, sive de Anglico sive de Franco causa consistat. § 2. Si vagans homo sit qui forisfecerit, requiratur tamen de recto ubi eum esse constabit; et consilio ac licencia ⁷ejus in cujus terra ac socna invenietur, fide, vel sacramento, vel fidejussoribus astrictus, juste satisfaccioni preparetur. Quod si per omnia ⁸refragaverit, et id cause, vel temporis vel locorum vel accidencium, sit ut de suo aliquid pro inborge ⁹retineatur, racione hoc et legitimis testibus fiat, ne deterius inde aliquid sequatur; que diligencius advertenda sunt, sicut accusatus credibilis erit, et accusacionibus vel detencionibus adquireverit, et sicut ejus esse vel non ejus esse, quod ita retinebitur, innotuerit. Et hiis omnibus habundantiori ¹⁰formidine reffectum est, an de parentum vel amicorum interfeccione, vel dampnis corporalibus vel pecunialibus, actitetur. Et si eciam is in cujus terra fuerit inventus rectum per omnia difforciabit, non tamen in eos inconsulte quid agatur, set in manu ipsius

¹ Quid *ms. Lond.* ² in *ms. Lond. deest.* ³ in *ms. Lond. desunt.*
⁴ v. *ms. Lond.* ⁵ diffrediet *ms. Lond. et K.* ⁶ ipse *Sc.* ⁷ in *ms. Lond. et K. deest.* ⁸ refragatus fuerit *ms. Lond. et K.* ⁹ i. sine plegio *ms. Lond. et K. add.* ¹⁰ in *ms. Lond. et K. deest.*

ut jurgia, lites, et controversiæ inter vicinos ortæ audiantur et componantur. Vide Caræi notitiam Cornubiæ, p. 68, et Chauceri interpretem, in voce 'Vigils.'

^a Vide scholia ad c. 20.

^b Hoc capitulum, ut videtur, fundatur in LL. Ælfredi Regis c. 42, quod sic se habet: 'eac pe beobað,' &c., i. e. (ut habetur apud Jorvalensem) 'etiam instituiamus, ut homo qui inimicum suum residentem scit non autem [ante] in pugnet eum quam sibi rectum postulet.'

cravetur, et principi vel ministro suo demonstratur. § 3. Et unicuique licet domino suo sine wita subvenire, si quis assaliat eum, et in omnibus legitimis obedire, preterquam in prodicione, ¹furto, murthero, et deinceps similibus, que nullo prorsus ingenio fieri concessa sunt, et legibus infamantur. § 4. Ad eundem modum dominus consilio pariter et auxilio debet, et modis omnibus potest, sine forisfacto, homini suo, ²in suis opportunitatibus, subvenire. § 5. Et quocunque dominos quis habeat, vel ³quantumcunque de aliis teneat, ei plus debet cui ligius est, in omni honesto, utili, et necessario, ad facultatem, ad sanitatem, ad ⁴animam, et ejus residens esse debet, et in bello secum esse, et ejus manbote est, si occidatur. § 6. Et in quibusdam potest dominus homini suo warantus esse, si precepto suo verberaverit, vel alio modo ⁵contristaverit aliquem, qui pertineat vel non pertineat ad eum. In quibusdam vero non poterit. § 7. Similiter conceditur, ut homo cum germano suo cognato communicet in omni necessario. § 8. Similiter pugnare potest homo contra eum quem cum desponsata ⁶sibi uxore, post secundam et terciam prohibitionem, clausis hostiis, et sub una coopertura inveniet; sive cum filia sua quam de sponsata genuerit, sive cum sorore sua que de sponsata sit, sive cum matre sua, que patri suo fuerit desponsata. § 9. Pecunialis autem emendacio legibus inventa est, si desponsata femina fornicetur, et cyrlisca, vel syxhinda, vel twelfhinda sit, et corporalis disfacio persistentibus instituta. Pensandum autem est per visum accusantibus, visum ^{*}concubitus propensius advertendum, ut scilicet ipsas coeuncium naturas viderint commisceri.

* concubitus?
tum?

LXXXIII. 7 QUOD UNICUIQUE LICET SE DEFENDERE
IN QUOLIBET NEGOCIO, PRETERQUAM CONTRA
DOMINUM SUUM.

§ 1. Unicuique licet se defendere, si quis eum assaliat, in omni loco vel negotio, ^aexcepto contra dominum, quem tole-

¹ in *ms. Lond. et K. deest.* ² oportunitibus *ms. Lond. et K.* ³ in *ms. Lond. desunt.* ⁴ constrictaverit *Sc. contristaverit mss. Seld. Lond. Twysd. et K.* ⁵ in *ms. Lond. desunt.* ⁶ sua *ms. Lond. et K.* ⁷ Quod unicuique liceat in negotio se defendere contra dominum suum. *ms. Lond.*

^a Videantur omnino c. 43. § 8. et c. 75. § 1.; secus Glanvilla, lib. 9. c. 1.

randum, non occidendum, jugiter ac salubriter frequentamus advertendum. Si quis, juxta quod prediximus, in hostem suum incidat vel ¹vagipalantem, vel alium qui juste requisitus rectum per omnia denegaverit, si tamen se reddiderit, et pacem ac misericordiam vel invitus quesierit, non occidatur, set ad satisfactionem a reperiente custodiatur xxx. noctes, et parentibus et amicis suis sepius interim offeratur. § 2. Si pax in terra sit, consilio principis et ministrorum ejus agatur in quibuscumque causis rectum difforciabitur legitime perquisitum. § 3. Qui rectum offerentem occiderit, vel afflixerit in aliquo, emendet vitam, vel vulnus, vel denique sicut egerit, et quicquid adversus eum habebat forisfaciat. § 4. Et qui aliquem quocunque modo perimit, videat ne weilref faciat. Weilref dicimus, si quis mortuum refabit armis, ²aut vestibus, aut prorsus aliquibus, aut tumultum aut tumultandum. § 5. Et si quis corpus in terra, vel noffo, vel petra, sub pyramide vel structura qualibet positum, sceleratus infamacionibus effodere vel exspoliare presumpserit, wargus habeatur. § 6. Si quis in vindictam vel in se defendendo occidat aliquem, nichil sibi de mortui rebus aliquis usurpet, non equum, non galeam, vel gladium, vel pecuniam prorsus aliquam; set ipsum corpus solito defunctorum more componat, caput ad ³occidens, pedes ad oriens versum, super clipeum si habeat; et lanceam suam figat, et arma circummittat, et equum ⁴adregniet; et ⁵adeat proximam villam, ⁶et cui prius obviaverit denunciaret, et etiam socnam habenti, quod probari denique vel defendi possit contra parentes vel consocios ejus. § 7. Si inter aliquos de rebus repentinis, verborum dicacitate vel eventus aliqua procacitate, dissensio consurgat, ex quo aliquis eorum gladium ⁷scogilatum evaginat, non est expectandum etiam ut percuciat.

LXXXIV. DE VERBERACIONE.

^{cx1}. In quibusdam locis, sicut diximus, reus est qui verberat et qui verberatur, ut nec malefaciens impunitate superbiat, nec contumeliatus fedis emendacionibus insolescat. Ubi unus non vult duo non certant; et omnis unlaga frater est alterius; et qui respondet stulto juxta stulticiam suam similis est ejus.

¹ vapalantem *ms. Lond.* ² in *ms. Lond. et K. desunt.* ³ *K. et hic et loco prope sequenti oriens legit.* ⁴ arreniet *ms. Lond. et K.* ⁵ ad *K.* ⁶ vel *K.* ⁷ sconigatum *ms. Lond. et K.*

LXXXV. QUOD QUIVIS LIBERARET EUM QUEM IN
MALIS DUXERIT.

§ 1. Qui ad ¹dampnum vel malum aliquem duxerit, liberet eum ^aadvocatione, vel emendacione, vel participacione. § 2. Non omnes cause omnibus suo possunt interventu suffragari; que vero possunt vel non possunt, promptum est inveniri a causa, a persona: capitales enim et criminales cause ita prelati, et subditis, et modis omnibus, ²interdicte sunt, ut non solum auctor ipse sceleris puniendus sit, set quicumque dando, recipiendo, defendendo, vel casu, conscius fuerit, aut consilio vel consentaneus in aliquo, simili pene subiaceat; et nemo possit super hiis alterius inde warantus esse. § 3. Qui ad occidendum aliquem innoxium redbana vel dedbana fuerit, convictus noxe componat inde, solus vel cum aliis. § 4. Si servus cum liberis homicidium faciat, totum liberis imputetur; et item solus furatur, ²qui cum servo furatur; si negetur, werelada fiat.

LXXXVI. ^{CXII.} NE QUIS VINDICETUR DE SUO HOMINE
SINE LEGE.

§ 1. Omni domino liceat conqueri hominibus suis et amicis, si quis ei malefaciat, set non percipere sine lege vindictam. § 2. Nec debet requiri a domino, si homo suus ³misfaciat, sine posse vel velle suo, maxime si nunquam deinceps ad eum redeat, et hoc in verum mittere possit. § 3. Et ubi forte plures fuerint, et eorum quidam forisfaciant, non est eis imputandum, qui tenuerint viam suam et recedent ab illis, si per omnia se allegient, quod nec consilium eorum vel auxilium sit in forcia ipsa.

LXXXVII. DE DELICTO EX ARMIS ACCOMMODATIS.

§ 1. ^{CXIII.} Qui ad occidendum aliquem arma sua prestiterit, cum occisore de occisi persoluzione conferre debebit, et de sua

¹ in *ms. Lond. et K. deest.* ² in *ms. Lond. et K. desunt.* ³ satisfaciat *ms. Lond.*

^a Id est, ut conjicio, cum vocabitur ab eo quem ad malum duxerit in warantum, ut forensibus dicitur. Vide *Spelm. Glossar.* in voce 'Advocatio,' et hic statim: 'Et non possit super his alterius inde warantus esse.'

parte weregildi conveniat ei. Qui gladium prestiterit, terciam partem weregildi reddat; qui lanceam prestiterit, dimidiam; qui commodaverit equum, totum reddat: invenire tamen liceat arma sua commodanti, quod nulla mali suspitione vel intentione commodaverit, si possit et velit. § 2. ^{cxiv.} Si quis ad hostium alicujus lanceam suam ponat, dum ad colloquendum vel ad quod velit agendum introeat, vel quevis arma ¹reclinat ubi quiete jacerent, si permitterentur, et arreptis armis hujusmodi dampnum ingeratur, justum est qui dampnum inde fecerit dampnum illud emendet; et cujus arma fuerant, si ita procedat, emundet se, quod nec velle, nec posse, nec consilio, nec testimonio ejus extiterit; et Dei rectum est, ut pacem habeat; et videat qui misfecit, ut per omnia, secundum legem, emendet. Observet autem ille cujus arma erant, ut ea non recipiat antequam in omni calumpnia munda sint. § 3. ^{cxv.} Si quelibet arma politori vel emundatori commissa sint ad purgandum, vel cuilibet ad servandum, et de subito arripiantur ad aliquid male agendum, justum est, cui absoluta commissa sunt absoluta restituat, nisi forte custodiam eorum diffinitis prelocucionibus abdicarat. Si et ipse super hiis accusetur consciencie vel possibilitatis in aliquo, perneget sicut rectum sit. § 4. ^{cxvi.} Si quis occidatur ²in hloþe, reddat interfector weram parentibus et manbotam domino, et omnes qui interfuerunt ³hloþbotam, sicut emendent ^atwihindeman xxx. soþ, sixhinde lx. soþ, twelfhinde cxx. soþ. Manbota, secundum legem, a persona interfecti, secundum weram, ⁴pocius accipiebatur, quam per overseunessam domini vel personam. § 5. ^bOverseunessa regis est, ut diximus, xx. manč, episcopi et comitis x. manč, baronis vel thaini v. mance, in Westsexa, que caput regni est et legum, ad quam recurrendum est in omni dissidencia con-

¹ redimet *ms. Lond. et K.* ² cum lope *ms. Lond. et K.* ³ blodbotam *ms. Lond. et K.* ⁴ twifhindeman xxx. soutz, sexhindeman xl. soþ, twelfhindeman cl. soþ, manbota secundum legem interfecti, aut personæ, secundum weram, &c. *ms. Lond. et K.*

^a Locus in hanc forte sententiam supplendus: 'sicut qui occiditur natus est,' (vel 'sicuti fuerit perempti corporis est æstimatio') 'emendat.' Vide LL. Inæ, c. 34.

^b Videlicet, c. 35. § 1. et 53. § 1.; adde c. 34. § 2. ubi 10 soþ corrige 60 soþ, quæ quidem summa respondet 10 mancis hic et c. 35, comiti overseunessæ assignatis, ut in Glossario plenius docebitur, in voce 'Manca.'

tingencium. § 6. Si quis autem iudicio ferri calidi, vel bello, vel testibus legitimis vel consacramentalibus adhibitis, vel ydoneo legis examine, monstrare possit, quod assallatus fuerit, quod coactus et se defendente fecerit homicidium, dignis satisfactionibus hoc monstrare liceat, et rectum inde sit; quia, sicut prediximus, multis modis potest homo weram suam forisfacere, ut per hamsoenam, ¹per homicidium² in ecclesia, per Dei rectum difforciatum, per furtum, per murdrum, per injustum assultum, ³vel homicidium, et deinceps similium, de quibus wera parentibus, manbota domino, et wita ⁴justiciis remanet. § 7. Si cohors aliquem occidat, et non sciatur quis nominatim hoc fecerit, accusentur quotquot ibi esse constiterit, et communiter weram occisi conjectent, et wita et manbotam qualis were pertinebit. § 8. Qui in collegio vel societate fuerit ubi aliquis occidatur, acquietet se quod eum non percussit, et ita quartam partem compositionis ejus solvat, sive plures sive pauciores plagas, vel quotcunque vel qualescunque habeat, vite retractacione vel mortis simplicitate discretas. § 9. Si quis in conventiculo aliquo convivii, vel potacionis, vel hujusmodi, fuerit occisus, defendant se vel emendent quibus fuerit inputatum. § 10. ⁵Secundum legem Saligam, si in convivio ubi *iiii.* vel *v.* fuerint homines unus ex ipsis fuerit interfectus, illi qui remanent aut unum convictum reddant, aut omnes mortis illius compositionem conjectent; que lex usque ad *vii.* ⁶qui fuerint in convivio illo ⁷convenit observari.⁸ Si ⁹vero in convivio illo plus quam *vii.* fuerint, non omnes teneantur obnoxii, set quibus fuerit inputatum illi secundum legem componant. § 11. Si quis foris casam, ¹⁰sive iter agens sive in agro positus, a contubernio fuerit occisus, et *iii.* vel amplius habuerit plagas, *iii.* de eodem contubernio, qui convicti fuerint, sigillatim mortis illius compositionem componant, et *iii.* alii de ipso contubernio *xxx.* solt; unusquisque illorum culpabilis judicetur; et tres adhuc alii de ipso contubernio singuli *xv.* solt culpa judicetur.

¹ in *ms. Lond. et K. desunt.* ² per *ms. Lond. et K.* ³ justius *Sc. justiciis K.* ⁴ si *ms. Lond. et K.* ⁵ in *ms. Lond. et K. desunt.*
⁶ in *ms. Lond. et K. deest.* ⁷ si *ms. Lond. et K.*

^a De lege Salica generatim accepta vide Spelm. *Synopsin Legum Antiquarum* in Glossar., verbo 'Lex.' Hæc autem legem Salicam specialiter contingentia, scil. ab his verbis, 'si in convivio,' ad finem usque capitis expresse leguntur et extant in lege Salica, tit. 45. § 1, 2, 3.

LXXXVIII. DE COMMISSIONE ARMORUM QUIBUS
ALIQUIS OCCIDITUR.

§ 1. Si quis in arma cujusquam irruat vel incidat, ut inde moriatur, et ejus solius culpa compareat, ita sit; tamen ille cujus arma erant non indiscrete ea suscipiat. § 2. Tractandum vero est, in agendis hujusmodi, de modo portacionis vel posicionis ¹armorum, de loco posicionis, de eo qui posuit, quid quomodo contigerit. § 3. Si quis lanceam ferat super humerum, et inde quis occidatur, reddatur precio nativitatis ejus sine wita. Si acumen ²lancee ante oculos portitoris sit, weram mortui reddat; et si possibilitatis accusetur in eo, pernegare studeat, secundum precium wite, et ita remaneat. Si vero cuspis et acies lancee pari sustentacione respondeant, sine culpa sit. § 4. Si quis, in defensione sua, lanceam, vel gladium, vel arma quelibet, contra hostem suum extendat, et ille, dira nocendi cupiditate cecatus, irruat, sibi imputet quicquid habeat. § 5. Si quis alium fugiens, ut ira decertancium vel causa persequencium sepius impetravit, ³precipicio vel ⁴casu prosequencium aliquo, moriatur, reddat eum qui injuste profugabat, nec sibi mortem intulisse nec egilde jacuisse videatur. § 6. Si quis in ludo sagittandi vel alicujus exercicii, jaculo vel hujusmodi casu aliquem occidat, reddat eum; legis enim est, qui inscianter peccat scienter emendet. Misericordie tamen et amoris tanto propior erga parentes esse debet, quanto genus humanum fortune sevientis asperitatibus, lugubri miseroque omnium fletu, novimus egrotare. § 7. Si quis alterius puerum, qui vel ei commissus sit ad educandum vel docendum, ⁵occidat, vel dormiens opprimat, nichilominus reddat quam si virum adultum occidisset. § 8. Nemo suum ipsius infantem reddere cogatur quem voluntarie non occidit, nec emendacione pecuniali nec diffaccione corporali. § 9. Qui aliquem rogaverit ut secum in opus suum eat, et interim occidatur a suis ⁶vel ejus inimicis, reddat eum cujus hortatu et gracia in locum mortis venerit, et consciencie vel consensus in aliquo se acquietet, si fuerit accusatus, et hoc werelada. Si autem inveritare possit, quod non rogatus cum eo venerit, si qui inimici sui perimant eum, qui nec ei consanguinitate vel affinitate ⁷junctus

¹ in *ms. Lond.* et *K.* desunt. ² in *ms. Lond.* et *K.* deest. ³ precipio
Sc. precipicio *K.* ⁴ *K.* add. ⁵ in *ms. Lond.* et *K.* deest. ⁶ in
ms. Lond. et *K.* desunt. ⁷ vinctus *K.*

sit, justum est, ut sicut peccaverint luant, et in eos vindicetur a parentibus et dominis, aut inde componant; quia non est

* semper?

*super ¹vindicandum in hominibus vel servientibus alicujus.

§ 10. Et unicuique licet domino suo sine wita succurrere, si quis assalliet eum, sicut prediximus; respectus tamen habeatur in omnibus. § 11. Si quis cum inimico suo restitit contra legem, si alicui mortem vel vulnus infixit, vel aliquid excitavit,

ut exigentibus meritis mors secuta videatur, non est eciam in quibuscumque parentibus, vel paternis vel maternis, occidentibus vel occisis, indiscrete judicandum; quia, in omni compositione homicidii, due partes referuntur ad paternam cognacionem, tertia ad maternam; et alia est wera vel vindicta thaini, alia villani, sicut prediximus: qui secus fecerint, querant parentes mortui were vel vindicte superplus, tam in generositate quam in propinquiore pertinencia. § 12. Scriptum est in legibus regis Edmundi: ‘ Michi valde displicent et nobis omnibus injuste et multiplices pugne que inter nos ipsos fuerint, unde diximus: Si quis post hec hominem occidat, ipse sibi portet homicidii ²faidiam, nisi amicorum auxilio intra xii. menses persolvat pleno weregildo, sit natus sicut sit. Si eum tunc cognacio sua deserat, et pro eo gildare nolit, tunc volo, ut

* *l. unfah.*

omnis illa cognacio sit *³hundfah, preter solum malefactorem, si ei deinceps nec victum det nec pacem. Si quis cognacionis ejus postea firmet eum, reus sit omnium que ⁴habebit erga regem, et portet faccionem erga cognacionem; quia eum antea reprobavit. Si ex alia cognacione quis vindictam ⁵faciat in alium aliquem, preter in ipsum malefactorem, sit inimicus regis et omnium amicorum ejus.’ § 13. ^{cxviii.} Si quis, ⁶propter faidiam’ vel causam aliquam, de parentela se velit tollere, et eam forisjuraverit, et de societate, et hereditate, et tota illius se racione separet; si postea aliquis de parentibus suis abjuratis moriatur vel occidatur, nichil ad eum de hereditate vel compositione pertineat; si autem ipse moriatur vel occidatur, hereditas vel compositio filiis suis vel dominis ⁷juste proveniat.

§ 14. Et nemo forisfaciat feudum suum legitimis heredibus suis, nisi propter feloniam vel reddicionem spontaneam. ^{cxix.} Et nulli liceat forismittere hereditatem suam de parentela sua,

¹ hiis judicandum *ms. Lond.* ² fauliam *ms. Lond. et K.* ³ infrangh *Sc.* hundfah *ms. Lond. et K.* ⁴ habeat *ms. Lond. et K.* ⁵ capiat *ms. Lond. et K.* ⁶ per faldiam *ms. Lond. et K.* ⁷ suis *ms. Lond. et K. add.*

dacione vel vendicione, sicut diximus; maxime si parentela contradicat, et pecuniam suam velit in ea mittere. § 15. Et si quis, in necessitate mortali, vel infirmitate, vel egestate, supervacue deserat patrem vel ¹parentem suum,⁷ et aliquis propinquus vel extraneus in tanto vite necessario succurret ei, et hereditet eum in fine, cum testibus, et filium sibi constituat, de feodo vel alio conquisito, sapientum hoc inter ²heredipetas iudicio terminetur, sicut acciderit. § 16. Si quis de vulnere quod alicui fecerit componere velit, ita componat ut precium vulneris in precio were numeretur, si homo mortuus sit. § 17. ^{cxx.} Et in omni weregildo melius est ut parentes homicide pacem simul ³faciant quam singillatim. § 18. Et si plures aliqui faciant homicidium quorum crocca ⁴towallet, si velint, ⁵simul componant; si nolint,⁷ reddat unusquisque pro se secundam vel terciam vel quartam partem; vel, secundum ⁶quotquot fuerint were et wite partes, restituant cui proveniet, prelacione, recessione, retencione, vel cravacione. § 19. De coacto ad homicidium wita juste remanebit: de eo pariter qui se vindicabit. § 20. De contribulibus et parentibus remaneat emendacio ⁷patrini, sicut manbota domini: et rectum necesse est fieri parentibus interfecti per justiciam, sive possit vel non possit eorum wera tolerari.

LXXXIX. QUI ALIQUEM DE PROPINQUIS OCCIDERIT.

§ 1. ^a Si quis de libertate sua interpellatus fuerit, et, timens ne in servitium cadat, aliquem de propinquis suis, per quem in servitium cadere timet, occiderit, scilicet, patrem aut

¹ parentelem suam *K.* ² hæredipedum *ms. Lond.* ³ habeant *ms. Lond. et K.* ⁴ cowllet *Sc. towallet K.* ⁵ in *ms. Lond. desunt.* ⁶ quod *Sc. quotquot mss. Lond. Seld. Twysd. et K.* ⁷ paterni *ms. Lond.*

^a Locum hunc indigitat doct. Spelm. in Synopsi LL. Antiqu. in Glossar. Loci autem situm vel judicia legis Salicæ quæ remittit legislator noster aliis, ut videtur, inquirenda reliquit; occurrit, ni fallor, inter legis Salicæ capitula per Carolum Magnum addita, de quibus in Legum Antiquarum codice per Lindenbrog. p. 351, (Pertz, Legg. to. 1. p. 113) ubi (scil. § 5, 7, 8.) totum hoc capitulum fere verbatim extat. In maiorem fidem depromere non pigebit: ‘§ V. Si quis de libertate sua fuerit interpellatus, et timens ne in servitium cadat, aliquem de propinquis suis, per quem se in servitium casurum timens occiderit, id est, patrem, matrem, patruelem, avunculum, vel quamlibet huiusmodi propinquitatis personam, ipse qui hoc perpe-

matrem, patrualem vel avunculum, vel quamlibet hujus propinquitatis personam, ipse qui hoc fecerit, secundum legem Salignam, moriatur, et agnatio ejus et consanguinitas in servitium cadat; et si neget quod eum occiderit, ad ix. vomeres ignitos examinandus accedat. § 2. Si quis, per cartam ingenuitatis a domino suo, legitimam est libertatem consecutus, liber permaneat. Si vero aliquis eum injuste cogat inservire, et ille, per cartam ingenuitatis sue, ostendat et convincat adversarium; ipse, qui hoc attemptavit, ¹multam que in carta scripta est solvere cogatur. Si vero non compareat carta, set ab illo qui inservire vult disfacta sit, weregildus ejus componat, duas partes illi quem inservire voluerit, terciam regi, et iterum, per preceptum regis, libertatem ipsam componat. § 3. Liber qui se vadii loco in alterius potestate commiserit, et ibi constitutus ²dampnum aliquod cuilibet fecerit, qui eum in locum vadii suscepit aut dampnum solvat, aut hominem in mallo productum dimittat, perdens ³simul debitum, propter quod eum in vadio suscepit; et qui dampnum fecit, dimissus, juxta qualitatem culpe, cogatur emendare. Si vero ⁴liberam feminam habuit, et filios interim dum in pignore est procreavit, liberi permaneant.

¹ in secta *Ms. Lond. et K.* ² *Mss. Seld. Lond. Twysd. et K. add.*
³ suum *Ms. Lond. et K.* ⁴ libera *Sc.*

traverit moriatur, agnatio vero et consanguinitas ejus in servitium cadat. Et si negaverit se illum occidisse, ad novem vomeres ignitos judicio Dei examinandus, accedat. § VII. Si quis per cartam ingenuitatis a domino suo legitime libertatem est consecutus, liber permaneat. Si vero aliquis eum injuste inservire tentaverit, et ille cartam ingenuitatis suæ ostenderit, et adversarium se inservire velle comprobaverit, ille qui hoc tentavit multam, quæ in carta descripta est, solvere cogatur. Si vero carta non paruerit, sed jam ab illo qui eum inservire voluerit disfacta est, weregildum ejus componat, duas partes illi quem inservire voluerit, tertiam regi; et ille iterum per præceptum regis libertatem suam conquirit. § VIII. Liber qui se loco vadii in alterius potestate commiserit, ibique constitutus dampnum aliquod cuilibet fecerit, qui eum in loco vadii suscepit, aut damnum solvat, aut hominem in mallo productum dimittat, perdens simul debitum propter quod eum in vadio suscepit; et qui damnum fecit, dimissus juxta qualitatem regi cogatur emendare. Si vero liberam fœminam habuerit, usque dum in pignus extiterit, et filios habuerint, liberi permaneant. Vide LL. Longobard. l. 2. tit. 35. c. 10, ubi quæ hæc secundo locorum (scil. § 7.) proferuntur, totidem verbis occurrunt. Quid autem sit 'ad novem vomeres ignitos examinatio' docetur Glossar. et Lindenbrog. et Spelm. verb. 'Judicium Dei.'

XC. ¹ SI QUIS VOLENS ALIQUOS INTER SE DIMICANTES
DIVIDAT/

§ 1. ^a Si quis, dum inter se dimicantes dividere satagit, ex industria vel incuria decertantium, occidatur innocens, reddat eum qui occidit, quamvis rixam non incepit. § 2. ^b Si quis arcu vel balista de subitanti, vel pedico ad lupos vel ad aliud ² capiendum posito, dampnum vel malum aliquod recipiat, solvat qui posuit: inde pensandum de eo cui hoc licuit, an qui lesus est herbagium vel lignagium, vel causam aliquam in nemus habeat, unde jure debeat premoneri. § 3. ^c Si quis puteum vel cisternam fodiat, vel factam disclaudat, et aliquid incidat ut mortem vel debilitatem incurrat, eque bonum restituat, mortuum ³ vero vel debile ad se recipiat. § 4. Quod si in sepem animal inpalaverit, et ipsa sepes mentonalis ³ non fuerit, dominus sepis interfeccionis seu debilitatis reus judicetur. Si autem virga deforis sepem incaute missa sit, et aliquid interfecerit, secundum ⁴ legem Ribuariorum, solvatur; si autem de intus sepem in virga se inpalaverit, non est solvendum. § 5. Si

¹ in ms. Lond. desunt.² in ms. Lond. et K. deest.³ si K.

^a Simile habetur in LL. Wisigoth. l. 6. tit. 5. c. 5. his verbis: 'Si, exorta cæde, ad faciendam pacem quicumque ingenuus advenit, et eum percussione litis mori contigerit, atque ille qui percussit, aut suo sacramento aut testibus, numero et dignitate idoneis, approbare potuerit, quod hoc ut fieret voluntatis ejus non fuit, quia percussor nec percutere nec occidere voluit, libram tantum auri parentibus persolvat occisi. Similiter et quaecunque vulnus tali casu fieri provenerit, tertiam partem compositionis qui percussit exsolvat; quia mors ejus inulta esse non debet, qui pacis præmium ut conferret advenit.'

^b Omnino convenit LL. Wisigoth. l. 8. tit. 4. c. 23, sed et LL. Burgund. tit. 46.

^c Simile habetur in Capitular. Car. et Lud. Imp. l. 6. c. 16, his verbis: 'Si quis aperuerit cisternam et foderit et non operuerit eam, cecideritque bos vel asinus in eam, dominus cisternæ reddat pretium jumentorum; quod autem mortuum est ipsius erit.'

^d De qua lege Ripuariorum vide Spelm. Synops. LL. Antiqu. in Glossar. Quæ autem hic tradita, cum immediate præcedentibus et subsequentibus, extant in LL. Ripuar. tit. 70. § 2, 3, 4, 5. Locum integrum exhibere non indignum censui, quo errata heic facilius valeant emendari: '§ II. Si quis autem fossam vel puteum fecerit, seu pedicam vel balistam incaute posuerit, et ibidem hominem vel pecus debilitaverit vel interfecerit, omni compositione, sicut lex continet Ripuariorum, culpabilis judicetur; aut si negaverit, cum legitimo numero juret. § III. Quod si in sepem animal inpalaverit, et ipsa

quis in sepem vel in quodlibet periculum res alienas invitus minaverit, et ibidem interfecte vel debilitate fuerint, similes restituat, aut cum vi. juret quod hoc non fecisset. § 6. Si lignum in communi opere aliquem occidat, reddatur lignum parentibus interfecti, ut infra xxx. noctes de terra educatur, vel habeat cujus est nemus. Idem de quolibet manufactili dicimus. Si homo taliter sit interfectus, non solvatur, nisi forte quis auctorem interfectionis in usus proprios assumpserit, et tunc absque fredo culpa judicetur. Distancia vero sit, si quis eum ad opus suum rogaverit, et si sponte advenerit; et item, si ad precium vel gratiam operetur; et si quis casu decadat, vel ab aliquo dejiciatur; differt etiam si commune sit opus eorum domini, vel commune operancium, vel alicujus proprium. § 7. ^aSi homo cadat ab arbore ¹vel quolibet mechanico super aliquem, ut inde moriatur vel debilitetur; si certificare valeat, quod amplius non potuit, ²antiquis institucionibus habeatur innoxius; vel si quis, obstinata mente, contra omnium estimationem, vindicare vel ³veram exigere, presumpserit, si placet, ascendat, et illum similiter obruat. § 8. Si alicujus manus aberraverit, ut alium occidere volens alium perimat, nichilominus eum solvat. § 9. ^{cxxi}Qui aliquem exarmaverit injuste, halsfangium ejus emendet; si ligaverit, dimidiam veram. § 10. Si quis injuste exarmatus ab aliquo mortem vel malum interim incurrat, componat hoc qui eum exarmavit. § 11. Sunt etiam infortuniorum genera quamplurima casu magis quam consilio contingencia, et misericordie potius quam judicio committenda; legis enim est, qui inscieter peccat scienter emendet, et qui bnecht ungepaldey bete gepaldey. Et in quibus non potest homo legitime jurare, quod per eum non fuerit aliquis vite remotior morti propinquior, digne componat, sicut factum sit; ex quibus sunt: Si quis alii missione in missatico

¹ in ms. Lond. et K. desunt. ² aliquis ms. Lond. et K. ³ in ms. Lond. et K. deest.

sepes mentonalis non fuerit, dominus sepis interfectionis seu debilitatis reus judicetur; aut, si negaverit, cum legitimo numero juret. § IV. Si autem virga de foris sepe incaute missa fuerit, et aliquid interfecerit, solvatur; si autem de intus sepem se in virgam impalaverit, non est solvendum. § V. Quod si quis in sepem vel in quocunque libet periculo res alienas invitas minaverit, et ibidem interfectæ vel debilitatæ fuerint, similes restituat, aut cum vi. juret, quod hoc non fecisset. Vide etiam LL. Saxonum, c. 11, 12.

* Vide Constit. Sicul. in Cod. LL. Antiqu. lib. 3. tit. 56.

causa mortis sit; si quis pro quolibet mittat, et in veniendo occidatur; si quis mortem ¹incidat ab aliquo vocatus; ²si alicujus arma perimant aliquem, ibidem posita ab eo cujus erant; si quis ea dejecerit, sive occisus sive alius, et noceant; si quis vocatus, ³in alicujus alicubi reposita arma transfigatur; ⁴si quis aliquem terreat vel impellat ut, equo vel aliunde cadens, malum habeat; si quis ad spectaculum fere vel ⁵insani ductus, aliquid ⁶paciatur ab eis; si quis equum vel aliud cuiquam commendat, et inde malum ei veniat; si alicujus ⁷equus, ab aliquo stimulatus vel ⁸subcaudatus, quemlibet percuciat. In hiis et similibus, ⁹ubi homo aliud intendit et aliud evenit, ubi opus accusatur non voluntas, venialem potius ¹⁰emendacionem et honorificenciam iudices statuunt, sicut acciderit.

XCI. CXXII. DE SOLUCIONE ¹¹FRANCIGENE.

§ 1. ¹²Si quis Francigena, vel Normannus, vel denique transmarinus, occidatur, et tantis res calamitatibus involuta sit, ut ad murdrum pertrahatur, et interfector ignoretur, vel denique fugiat, ut infra VII. dies justicie regis non reddatur, ad quod justum fuerit perferendum, ¹³XLVI. marc̃ argenti persolvantur; et sint XL. marce regis, VI. parentum interfecti. Si parentes secundum legem repetentes vel probantes non habeat, sint illius qui murdrum abarnaverit: ubi autem inventum fuerit, illic per legem requirendum est, et ejus persolucionem vadiare debet aldremannus hundreti, et in cujus terra jacebit;

¹ incidat *Sc.* incidat *K.* ² in *ms. Lond. et K. desunt.* ³ visum *ms. Lond. et K.* ⁴ præstatur *ms. Lond. et K.* ⁵ in *ms. Lond. et K. deest.* ⁶ nisi *ms. Lond. et K.* ⁷ n. dacionem *Sc.* ⁸ murdri *Sc. Francigena ms. Lond.*

^a Huic simile videtur Longobardorum ‘merworphin,’ de quo in eorum lege, tit. 36. l. 4. ductum (inquit Lindenbrogius) a ‘mer’ equa et ‘werphen’ dejicere.

^b Per ‘subcaudatus’ heic intelligo equum ex quovis molesto caudæ ipsius supposito ad calcitrandum irritatum.

^c Huc tendit LL. Guiliel. Primi, I. c. 22., de quo supra ‘Qui Franceis ocist,’ sed et LL. ejusd. regis, II. 1. Hac autem de re vide et plura supra c. 13. § 2, 75. § 6, et infra c. prox. sequ. § 6, 9. et seq. et schol. ibidem,

^d Similiter harum legum c. 13. § 2. legum etiam Edo. Confess. c. 15. et LL. Guiliel. II. c. 1. Aliter tamen Bracton. vide, LXVI. marc̃; forte autem sic literis L et x transpositis.

discrete tamen in omnibus, juxta quod acciderit. § 2. ^a Si murdrum in domo, vel in curia, vel ¹ claustrum inveniatur, tum, ad premissam xl. et vi. marcarum reddicionem, pervenietur primo quicquid in ipso manerio est, in annona viridi et sicca, in animalibus, et in omnibus omnino. Primo vendatur usque ad olera; et si ad xl. et vi. marcē habundat, ² nichil aliunde exigitur; si quid vero defuerit, in hundreto communiter suppleatur. § 3. Si etiam manerium in quo murdrum ³ inveniatur de dominio et firma regis sit, et rex ita preceperit, per totum hundretum inde componendum erit. § 4. Si murdrum in campis patentibus et passim accessibilibus, inveniatur, a toto hundreto communiter, non solum ab eo cujus terra est, suppleatur; si in divisis accidat, utrunque pertranseat; si in via regia sit, inde componat cui terra adjacebit.

XCII. DE SOLUCIONE MURDRI.

§ 1. Si quis vulneratus in alium hundretum eat et ibi moriatur, et ad murdrum veniat, illic persolvatur. § 2. Si murdrum ab eo loco ubi fuerit inventum alias deportetur, referri cogatur cum overseunessa, et ibi solvatur. § 3. Qui murdrum fecerit, si capiatur, debet reddi justicie regis, et talis de quo justicia fieri possit, ⁴ non videlicet occisus aut ⁵ disfactus, ⁶ nisi fugiat aut repugnet, et aliter nequeat retineri; et hoc intra ⁷ vii. dies, a die qua prius inventum est. Si mortuus sit interim naturali morte sua, ostendant, et advocent ad tumultum ejus, si parentes vel amantes non habeat, qui ⁸ eum innoxiare ⁹ velint; et emendetur de pecunia illius et hundreti, sicut fieret ¹⁰ in vivente non habito. Si a parentibus murdriti sit ante reddicionem interfectus, ut justiciabilis reddi nequeat, vel si post vii. dies habeatur, nichil adolucionem conferat. § 4. Si sciatur quis murdrum fecerit, et fugerit, habeat hundretum pecuniam ejus; et si quis consociorum ejus

¹ in claustra *ms. Lond. et K.* ² *K. add.* ³ in *ms. Lond. et K. desunt.*
⁴ vel *Sc.* non *ms. Lond.* ⁵ districtus *ms. Lond. et K.* ⁶ ubi *K.*
⁷ sex *ms. Lond. et K.* ⁸ in *ms. Lond. et K. deest.* ⁹ nolit *Sc.* velint
ms. Lond. et K. ¹⁰ inumete *ms. Lond. et K.*

^a Hæc provisio facta videtur ad imitationem c. 15. LL. Edo. Confess.

^b Concordat LL. Scotorum. Vide Regiam Majestatem, l. 4. c. 23. ubi plura his et sequentibus similia.

capiatur, justicie presentetur. § 5. ^aMurdritus homo dicebatur antiquitus cujus interfector nesciebatur, ubicumque vel quomodocunque esset inventus; nunc adjectum est, licet ²sciatur quis murdrum fecerit, si non habeatur intra vii. dies. § 6. ^bNon procedit, nec solvatur pro mурdro Anglicus, set Francigena; ex quo vero deest ^cqui interfectum hominem comprobet Anglicum esse, Francigena reputatur. § 7. Et licet malefactor regem requirat, ut vitam et membra recipiat, nichilominus murdrum solvatur, sicut diximus. § 8. Si murdrum inveniatur alicubi, conveniat ²ibi hundretum cum preposito et vicinis, et, sive cognoscatur sive non, custodiatur vii. diebus, super ³cletam unam elevatus, lignis nocte circum accensis; et circumquaque nunciatur, multa promissione munerum et dacione eum fore cumulandum, si quis eos adjuvaret. § 9. Si intra terminum malefactor capi possit et justicie reddi, quietum sit hundretum; si non possit, et desit qui probet eum ex parte patris Anglicum, sit ad predictum modum; murdrum

¹ si *ms. Lond. et K.* ² illuc *ms. Lond. et K.* ³ decam *ms. Lond. et K.*

^a Vide Dialog. de Scacc. l. 1. c. 10.

^b Concordat Bracton. l. 3. c. 15. num. 7. fol. 135 b: 'Pro Anglico vero (inquit), et de quo constari possit, quod Anglicus sit, non dabitur murdrum.' Idem etiam Fleta, l. 1. c. 30.

^c Locus tum supra c. 75. § 6. ('vel qui occisum comprobet Anglicum') prius positus, tum infra, quasi iteratus concordat Bracton.; Fleta etiam ubi supra: 'Si autem (inquit Bractonus) Englescheria nulla sit, vel minus rite facta, licet interfectus Anglicus fuerit, pro Francigena reputabitur;' quæ repetitionem sapiunt prius dictorum circa capitis initium, viz. 'sive interfectus cognitus fuerit sive ignotus — dicitur Francigena, nisi Englescheria, i. quod Anglicus sit, probetur per parentes et coram justiciariis presentetur.' Hic ingerit se prisca illa Englescheria, ut vocant, innovata lex a Cnuto nostro primo, ut ferunt, (vid. LL. Edo. Confess. c. 16.) excogitata. Et vocis etymologiam, et rei ortum, vigorem et interitum, fuse exhibet Glossar. Spelm. in voce; de qua vide plura in LL. Edo. Confess. c. 15, 16, et adde schol. ad c. prox. preced. Quod autem hic scribunt 'Englescheriam' et similiter scribendum reor 'Englisceriam,' vulgo 'Englishry,' voce ducta ab 'Englisc,' i. e. Anglicus, et 'ry,' terminatione pari apud nos significatus cum 'hood,' 'ship,' 'ness,' 'dome,' et similia, quæ omnia statum, conditionem, qualitatem, &c. signant; unde 'aldermanry' pro statu, &c. senatoris; 'gentry' pro statu, &c. generositatis; 'yeomanry' pro statu, &c. vulgi vel plebis (præcipue rusticolas vulgo notat); 'husbandry' pro statu, &c. patrisfamilias (ad agriculturam vox vulgo extenditur); 'huswifery' pro statu, &c. matrisfamilias; 'infantry' pro statu, &c. peditatus. 'Englisceria' itaque 'Anglietas' est, sive personæ alicujus qualitas vel conditio Anglica.

enim habetur ¹si alienigena occidatur, et quis hoc fecerit ignoretur, vel ad diem non reddatur. Si quis neget accusatus, triplici lada vel iudicio ²lx. sol applicetur. § 10. Si quis Francigenam fugientem, vel more suo resistantem, solus vel cum aliis, pro furto perimat, statim ³palam faciat; et si ⁴certum hoc innotuerit, pacem suam habeat. § 11. Si hundretum de

* *del.?*

aliquo ⁵probare velit quod Francigena murdrum *quod non fuerit xii. melioribus hominibus hundreti ipsius jurantibus hoc credatur. § 12. Si quis murdrus intra vii. dies inhumetur,

et parentes ejus suspecti videre velint eum, non diffodiatur sine licencia justicie. Si [quis] infodit eum ante terminum, componat inde secundum rectum. § 13. Si alicui jure non creditur, quod ei pertineat iudicio probet. § 14. Homicidium werelada pernegetur; ad purgandum vero vel ⁶respondendum

super hiis sufficit compellacio parentum bello vel antejuramento, vel per legalem personam vel per publicam fuerit, vel ⁷terminum simul habuerint, vel aliquid hujusmodi; ^{cxxiii.} et quando et ubi simul fuerint, vel eciam recesserint; et si ire, vel odium, vel mine intercesserint. § 15. ⁸De confesso autem vel convicto faciendum est, ut reddatur parentibus interfecti, misericordiam ⁹eorum subiturus quibus nullam exhibuit; si parentes non habeat, faciat inde rex justiciam suam. § 16. Si hundretum compellet aliquem, quod murdrum fecerit, et ille neget, expectetur de reddicione murdri, donec inde finis sit. § 17. Et si quis baronum terram suam velit tollere de hundreto ubi murdrum vadiaverit, vel prepositus suus, prius reddatur quod sine calumpnia vadiatum est, et postea transeat inde, si velit et possit; que omnia forciora erunt, si unquam antea murdrum inibi conjectaverit vel consuetudines alias hundreti fecerit. § 18. Et eat submonicio regis ad dapiferum vel ministrum manerii, si dominus desit

¹ in *Sc.* ² xl. *ms. Lond. et K.* ³ in *ms. Lond. et K. deest.* ⁴ pernegandum *ms. Lond. et K.* ⁵ enim unum *Sc.* terminum *K.* ⁶ in *ms. Lond. desunt.*

^a Sic etiam supra c. 81. § 1. 'Si placet, palam faciat,' *i. e.* notum faciat vel proclamet. Originem hoc traxisse videtur e LL. Inæ Regis, c. 20, 34. occultationem prohibentibus cæsis ionis cujusvis malefactoris in flagranti crimine perempti. Vide c. 83. § 6.

^b Huc etiam tendit illud Bractoni, fol. 135 b: 'Si autem (inquit) dubium fuerit, utrum Anglicus fuerit vel non, et utrum producti parentes fuerint vel non, hoc per patriam declarabitur.'

^c Vide scholia ad c. 71, ubi hæc eadem habentur.

vel nequeat ¹ei nunciari. § 19. ^{CXXIV.} Qui murdrum aperte fecerit, sive combusserit, vel decapitaverit, vel excoiaverit, aliterve defecerit, ne cognosci valeat, ut dictum est, reddatur parentibus interfecti; et si compellacio sit, et in emundacione ²miseveniat, iudicet episcopus.

XCIH. ^a DE EMENDACIONE VULNERIS.

§ 1. Si vulnus eveniat alicui, sive membri truncacione, vel debilitacione, vel ³disfaccione, in nudo et manifesto, ut ante capillos, ante manicam, sub genibus, dupliciter emendandum est, supra id quod in capite sub capillis, vel in membris sub vestibus, in occulto fieret. § 2. Capitis vulnus emendetur, si utrunque os perforatum sit, xxx. soł; si exterius os ⁴percussum sit, xv. soł. § 3. Si in capillis sit vulnus longitudine unius uncie, v. deñ, i. uno soł, componatur. Si ante cesariem sit vulnus unciam habens longitudinis, duobus soł, i. x. deñ, emendetur. § 4. Si auris amputetur alicui, xxx. soł emendetur ei; si auditum inde perdat, lx. soł emendetur. § 5. Si quis alii crepet oculum, solvat ei lxxvi. soł et vi. deñ et trientem unius deñ. Si oculus in capite remaneat, ut tamen homo nichil inde videat, tertia pars in eo emendacionis consistat. § 6. Dentes alii precisores, alii canini, alii molares: precisores dicuntur primi dentes hominis, quia omne quod accipit ipsi prius incidunt; sequentes canini dicuntur, quorum duo in dextra maxilla, duo sunt in sinistra, et dicuntur canini quia ad similitudinem caninorum dencium existunt, et canis ex ipsis ossa frangit sicut homo, et quod priores prescindere non possunt illis tradunt, ut confringant; ultimi sunt molares, qui concisa a prioribus vel confracta a sequentibus ⁵molunt, et inde massant. Viri plures, femine pauciores habent dentes.

¹ sibi *ms. Lond.* ² misveniat *Sc.* misevias *ms. Lond.* misevenias *K.*
³ defraccione *ms. Lond.* ⁴ perforatum *ms. Lond. et K.* ⁵ moluntur
et inmassantur *ms. Lond. et K.*

^a Hoc capitulum ut plurimum depromptum reperio e LL. Ælfredi, c. 44. et seqq., unde lumen accensum et cognitioni et correctioni quorundam heic erratorum. Pauca igitur sunt quæ de hoc capite annotabo. Desunt tamen in lege Ælfredi a linea hac: 'Dentes alii precisores,' usque ad 'femine pauciores habent dentes,' ut e contrario quod in eadem Ælfredi lege immediate id sequitur, quo hæc linea terminatur (vid. 'Līf mon oðpum ꝥ neb of-arlea-gebeþe him mið lx. ƿeall.' *i. e.* 'qui alteri nasum præciderit, dato ei lx. soł,') in hoc capitulo omnino deest.

§ 7. Qui primos vel precisores dentes excusserit alicui, viii. soł emendet. Qui caninos vel ^awongtoð excusserit, iiii. soł culpa sit; molares excussi xv. soł constant. § 8. Gingive ¹confracte xv. soł emendentur. § 9. Mentum xii. soł. § 10. ²Gurgullio vel þrotebolla xii. soł. § 11. De lingua sicut de oculo componatur. § 12. Si quis in humero plagietur ut glutinum compagum effluat, xxx. soł emendetur. § 13. Brachium fractum supra cubitum xv. soł emendetur. § 14. Si utrumque os brachii fractum sit, emendetur xxx. soł. § 15. Pollex manus amputatus xxx. soł ³emendetur; unguis v. soł. § 16. Index xv. soł; unguis iiii. soł. § 17. Medius vel ⁴impudicus xii. soł; unguis ii. soł. § 18. Annularis vel medicinalis ⁵xvii. soł; unguis iiii. soł. § 19. Auricularis ix. soł constet; unguis uno soł, i. v. deñ. § 20. Si quis in ilibus plagietur, habeat xxx. soł ad emendacionem. Si transpunctus sit, ad utrumque os emendetur xx. soł. § 21. Coxa transforata vel fracta xxx. soł emendetur. § 22. Crus perforatum alicui sub genu xii. soł emendetur; fractum xxx. soł. § 23. Si major pedis articulus amputetur, xx. soł constet; secundus xv. soł; tercius ix. soł; quartus vi. soł; quintus v. soł. § 24. Si quis in genitalibus plagietur, ut procreandi perdat officium, lxxx. soł multa judicetur. § 25. Si homini sit brachium cum manu penitus amputatum sub cubito, lxxx. soł emendetur. § 26. Omne vulnus ante capillos, et ante manicam, et sub genu, dupliciter emendetur. § 27. Lumbi truncati lx. soł constant; intus puncti xv. soł; transpuncti xxx. soł. § 28. Si quis in humero plagietur, emendetur lxxx. soł, si homo vivat. § 29. Si quis alteri manum extra plagiaverit, xx. soł emendet; si dimidia manus ⁶amolaverit, reddantur inde lx. soł. § 30. Si quis alteri costam fregerit, x. soł emendet, si cutis integra sit; si cutis aperta sit, et os extrahatur, xv. soł comparetur. § 31. Si quis oculum, vel manum, vel pedem excuciat alicui, parem emendacionem faciat

¹ fecte ² in ms. Lond. et K. desunt. ³ in ms. Lond. et K. deest.

⁴ in impudicus Sc. ⁵ xv. ms. Lond. et K. ⁶ amolaverit ms. Seld. violaverit mss. Lond. et Twysd. molaverit K.

^a [Pessime mss. Sc. et K. þongooð et pongtoð, ex inscitia scribæ Normannici vel Franco-Gallici, legunt; est enim locus versio illius Ælfridi: 'ȝif hit ȝy ȝe pongtoð ȝerelle iiii. ȝeif to bōce,' quam lectionem in textum recipere non dubitavi.—T.]

de singulis, i. LXVI. soł et ¹vi. deñ et terciam partem unius deñ, que est triens. § 32. ²Et si crus alicui excussum sit sub genu, LXXX. soł culpa iudicetur. § 33. Si quis alii scapulam truncaverit, xx. soł mulctetur. § 34. Si quis intus plagietur ut os extrahatur, ³sint ad emendacionem xv. soł. § 35. Qui grossos tibiaram nervos truncaverit alicui, si medicamentum sanitatis admittant, XII. soł emendabit. Si homo claudicet pro vulneribus nervorum, et sanari non possit, xxx. soł emendetur. § 36. Si graciles nervi truncentur, ¹vi. soł emendetur. § 37. Qui aliquem in collo plagiaverit, ut incurvacionem, vel inflexibilitatem, vel inde perpetuam contrahat egritudinem, et tamen vivat ⁴ita contumeliatus, c. soł emendetur, et quicquid in medicatura fuerit erogatum; nisi sapientum estimacio amplius iudicaverit.

XCIV. DE VERBERACIONE ABSQUE SANGUINIS EFFUSIONE.

§ 1. Qui aliquem ita ⁵verberaverit ut sanguinem ejus non effundat, quotlibet ictus ei det, tres solummodo ictus per legem emendet, singulum v. deñ, quod est in summa xv. deñ. Domino ipsius verberati overseunessam suam emendet, si sint homines unius hominis, vel si sit ibi retentus, vel divadiatus et cravatus; et fihwtitam cui proveniet; set non simul habenda est blodwita et fihwtita, ^adue scilicet emende de una culpa. Si quis partim confiteatur et partim neget, emendet quantum recognoscit, et juret de reliquo solus vel amplius, sicut factum sit. § 2. Qui vulnus alicui faciet ac sanguinem, emendet hoc per uncias, ad singulas v. deñ in cooperto; in nudo, pro singulis unciis, x. deñ; et remaneat de ⁶cecis ictibus et ⁷blindintis; et wita domini decidat, si sanguis exeat, et sine cravacione sit. Differt autem in pluribus: Si homines unius baronis pugnent cum sanguinem faciente vel non faciente, sive in presenti sive postea, quanquam craventur, non remanet wita domini. Si sint duorum dominorum, et alius alium verberet

¹ VII. Sc. VI. ms. Lond. et K. ² in ms. Lond. deest. ³ xv. soł emendetur. ms. Lond. et K. ⁴ in ms. Lond. et K. deest. ⁵ vulneraverit Sc. verberaverit mss. Seld. Lond. Twysd. et K. ⁶ ceteris K. ⁷ belidentibus ms. Lond. et K.

^a Simile prius c. 49. § 6. Regula juris inde firmatur: 'Neminem (sc.) esse bis puniendum.'

cecis ictibus et non cruentis, sive cravatus ¹ibi sit' vel non, convictus noxe witam emendabit domino cujus hominem verberavit. Si sanguinem ei faciat et recedat, sine cravacione vel divadiacione, witam domini retulit; et non habebit eam dominus cujus hominem vulneraverit; si autem retineatur, vel divadietur, vel implegiatur, ibi blodwita et fihtwita poterit aggregari. § 3. Si plures unum aliquem vulnerent precepto domini sui, et velit in quibus poterit warantus esse, solus emendet pro omnibus, sicut malum fecerint, et unam witam cui rectum erit. Si eorum crocca ²towallet, id est, si eorum olla non simul bulliat, et misfaciant, singuli ³sigillatim componant. § 4. Si quis aliquem per capillos arripiat, tantum emendet quantum de uno colpo faceret, i. v. deñ de ⁴hergripa. § 5. Si vulnus fiat alicui, et accusatus neget, se sexto juret sine prejuramento, ^aquia sanguis et vulnus ipsum foraðe prevenerunt.

¹' sive *ms. Lond.* ²towellet *Sc. towallet ms. Lond. et K.* ³singillatim *ms. Lond. et K.* ⁴heregripa *ms. Lond. et K.*

^a Bene autem dicit 'quia sanguis et vulnus ipsum popaðe prevenerunt,' cum inde notorie constet de maleficio commisso (facit Form. 119. apud Marculf., ubi hæc: 'unde livores vel capulaturæ atque colaphi manifeste apparent,') quod accusatorem a præjuramento (præstando alioquin si de cæcis ictibus, 'dry blowes,' contenderint) excusat. Quod autem constaret de maleficio, priusquam ad examen procedatur, in quibusdam casibus me docet Hotoman. Disput. de Jure Feud. c. ult., de quo vide plura in Glossar. verbo 'Antejuramentum.' Vide etiam LL. Æthelstani, IV. c. 2, et Senatuscons. de Montic. Walliæ, c. 6. (Cf. p. 576.) Juramento huic, ni fallor, respondet Danorum 'aasvoren eed,' de quo apud doct. Wormium, in Monum. Danic. I. 1. c. 2. p. 82, 84.

NOTES ON THE LAWS

ASCRIBED TO

KING HENRY I.

- Cap. I. ⁱ The exaction of services from the church, or of unlawful gains from the church, are prohibited in general terms by N.P.L. 20., Ethelr. V. 10. and VI. 15; and at a still earlier period, in 785, Conc. Chalch. xiv., and complained of as a crying grievance of the Anglican Church by Boniface, in 745.
- ⁱⁱ What is here termed 'legitima et justa relevacione' seems to be the relief prescribed in Gul. Pr. I. 20.
- ⁱⁱⁱ Liberty of marriage, recognized by Cn. Sec. 74., is here abridged; but it is forbidden to demand money for the licence required, as by the law of Cnut.
- ^{iv} Liberty of marriage to widows is recognized in Ethelr. VI. 26. and V. 21., and confirmed by Cn. Sec. 74, but only after a twelvemonth's widowhood. The latter restriction is here omitted, but the absolute liberty of marriage is reduced to a security from being married against their will.
- ^v By Inæ 38. the custody of orphans was given to their mother, and the care of the 'fnum-fcôl' to the nearest of kin.
- ^{vi} 'In misericordia = be ealpe aþe,' Cf. Cn. Sec. 50., rendered by Bromton 'omni misericordia.'
- Cap. II. ^{vii} This reference to the 'Leges Regis Edwardi,' for the penalty for murder, would seem to indicate that the laws of the Confessor, (15, 16,) or some analogous laws were known and in force at the time this charter was granted.
- ^{viii} Borrowed from Gul. Pr. III. 5, 8, which it explains, and limits to the demesne lands of the military tenants. Does it not follow that what are called in Gul. III. 5. 'terras suas et possessiones suas' meant nothing more than the lands in demesne,

i.e. exclusive of lands held in seignory, but occupied by vassals, 'villani, bordarii, cotarii, cotseti,' and other base tenants?

ix. 'Lagam Edwardi,' &c. This is a confirmation of the recitals, pp. 442, 491, that the changes made by the Conqueror in the laws of the Confessor were 'consilio baronum suorum.'

x. Charter to the city of London. See also *Fœdera*, to. i. 11. from an *Inspeximus* 2 Edw. IV.

This important charter has no date, and though there are ten attesting witnesses, I find no name, except that of Hugh Bigod, that gives the least assistance towards ascertaining the date of the instrument. Hugh Bigod succeeded his brother William, who was drowned in 1120. He was 'dapifer regis,' though not so stiled in this charter. He survived to the time of Stephen.

The privileges granted to the citizens of London are the following:—

1. To hold Middlesex for ever in farm for £300 a year; to appoint whom they please to be sheriff and justiciary 'ad custodienda placita corone mee et eadem placitanda;' and that there should be no other justiciary 'super ipsos homines Londonie.'
2. The citizens 'non placitabunt' without the walls of the city, 'pro nullo placito,' and shall be 'quieti' from *eschot* and *lot*, and from *danegeld* and *murdrum*; and none of them 'faciet bellum.' And if any citizen is impleaded 'de placitis corone, per sacramentum quod judicatum fuerit in civitate, se disracionet homo Londoñ.'
3. No one to be quartered within the walls of the city, and no quarters assigned by compulsion to any one 'de mea familia, neque de alia.'
4. The men of London and their goods to be 'quieti et liberi' over all England, and in all sea-ports, from toll, passage (transit duty), and lastage; and from all other customs.
5. The churches, barons, and citizens to hold and enjoy, well and in peace, their *sokes*, with all their customs; so that the indwellers in their *sokes* shall render custom to none but to the owner of the *soke*, or to his officer.
6. In pleas relating to money, a man of London shall not be sentenced 'in misericordia, nisi ad suum *were*, scil. ad centum solidos.'
7. There shall be no longer *miskennege* in the *hustings*, nor in the *folk mote*, nor in any pleas within the city; and the *husting* shall sit every Monday.

8. 'Et terras, et wardemotum (vadimonia, *Fæd.*) et debita civibus meis habere faciam, infra civitatem et extra; et de terris de quibus ad me clamaverint, rectum eis tenebo lege civitatis.'
9. If any one takes toll or custom from the citizens of London, the citizens may take as much from the *burg* or *vill* whence the exaction took place, besides damages.
10. And all persons indebted to citizens of London shall pay their debts in the city, or show there that the demand is unfounded. And if they refuse, the citizens of London, to whom they are indebted, may take, by distress within the city, 'de burgo, vel villa, vel de comitatu, in quo manet qui debitum debet.'
11. And the citizens of London shall have their hunting grounds for hunting, as was best and most fully enjoyed by their predecessors; that is, in Chiltern, in Middlesex, and in Surrey.

Cap. III. ^{xi.} This collection of laws and usages is manifestly a compilation of ancient Saxon laws by some private person, and not a publication by authority of the state; we are, indeed, almost told this in cap. 5. § 25., where the compiler uses the first person singular, and in cap. 8., where, after giving some account of frankpledge, he expresses himself thus: 'set de hiis omnibus pleniorum suggerunt ventura noticiam, sicut Edwardi beatissimi principis extitisse temporibus, certis indicis et fida relatione cognovimus.' 'Et si quid professioni nostre congruum precedencium vel sequencium capitula docuerint, sive jure naturali, vel legali, vel morali, gaudeant instituto, et hoc licet multa compositorum varietate minus plene peregerim, bonam saltem voluntatem ubique *pretendo*.'

It appears from this: 1st, that the author speaks as a private compiler, and not as an authorized agent of the government: 2dly, that he wrote for the benefit of his own profession: 3dly, that he was apprehensive his work might be imperfect, on account of the number and variety of materials from which it was to be collected: 4thly, that he was sensible of the defects of the system he had undertaken to collect and arrange: 5thly, that the object of his work was to make a collection of the laws and customs that prevailed in England under the Confessor.

The general clamor in England for the Saxon laws of the Confessor, under the three Norman kings, makes it probable that

this compilation was made by some private person at the time when the restoration of these laws was called for by, and repeatedly promised to the nation.

At the same time, it appears from c. 5. that this compilation was at least interpolated after the death of Henry I., but, at whatever time it was made, it is clear, from the above passage, that the purpose of it was to collect the laws and legal usages of England as they existed under the Confessor. From a reference to the Decretals in c. 5. § 27., the date of that part of the compilation must be postponed till 1151, when Gratian collected the Decretals. Another passage (c. 6. § 1.) must have been written after 1108, when the bishopric of Ely was instituted, and even subsequently to 1133, when Carlisle became a bishopric.^a

Stephen promised in his charter to restore the good laws and customs which his subjects had enjoyed in the time of King Edward. Henry I. had done the same. After the capture of Stephen, the citizens of London petitioned the empress Maud for the restoration of the laws of the Confessor.

Ralph, appointed bishop of Durham in 1099, is said in the Peterborough Chronicle, published by Sparke (p. 57.), to have written a book 'De Legibus Angliæ.' He was disgraced and imprisoned by Henry on his accession, escaped to Normandy, and died in the year 1128.

The fact that this compilation is not a collection of laws promulgated by Henry I., but a digest of Anglo-Saxon laws and usages made by some private individual, shows how mistaken those eminent lawyers have been, who have inferred from cap. vii. that Henry I. reunited the civil and ecclesiastical courts, which his father had disjoined.

Cap. V. ^{xii.} 'Quod si in iudicio,' &c. This rule agrees with the one laid down in Ethelr. III. 13. A somewhat different rule is laid down in H. 31. § 2. 'Si inter iudices studia diversa sint, ut alii sic, alii aliter fuisse contendat, vincat sententia meliorum, et cui justitia magis acquieverit.' Who is meant here by the 'justicia'? the natural president of the court, or the justiciary sent by the king? Are we to understand by 'meliores' the men of the highest rank? It is plain, at all events, that unanimity in the judges was not required in the Anglo-Saxon courts.

^{xiii.} 'Qui per lapidem falsum jurat.' (see Gloss. voce 'Lapis.')

^a Two of the MSS., however, instead of xv., read 'multos.'

Cap. VII. ^{xiv.} ‘Per singulas Anglie provincias,’ &c. Does this expression refer to the threefold division of England, or to the division of shires into hundreds, or to county courts held at different places alternately?

^{xv.} When the ‘placitum’ is held, ‘agantur primo debita vere Christianitatis jura,’ &c. This, with some additional explanations, is taken from Edg. II. 5. and Cn. Sec. 18, but is completely at variance with the law of the Conqueror, IV. removing from the civil courts of the hundred the cases pertaining to the bishop. The same is repeated in Hen. 31. § 3., and affords another of the many proofs that what are called ‘Leges Henrici Primi’ are a compilation by some private person, without any legal authority from the state.

^{xvi.} ‘Debet autem scyresmot,’ &c. The scyresmot to be held twice a year, and the hundreds or wapentakes twelve times a year, and seven days notice to be given beforehand, ‘nisi publicum commodum vel dominica regis necessitas terminum preveniat.’ This is taken literally from Conf.^a and the number of meetings from Edg. II. 5, and Cn. Sec. 18, *i.e.* expressly as to shiremot and burghmotes, and, by implication, as to hundredmotes.

^a The passage of the Laws of the Confessor, which forms a continuation of Cap. xxxii., is the following; but being manifestly an interpolation, and not contained in the best manuscripts, is excluded from the present text: — ‘Et similiter olim apud Britones temporibus Romanorum in regno isto Britanniae vocabantur senatores, qui postea temporibus Saxonum, ut praedictum est, vocabantur aldermanni, non propter aetatem, sed propter sapientiam et dignitatem, cum quidem adolescentes essent, jurisperiti tamen, et super hoc experti. Et ut verum fatear, habent etiam aldermanni in civitatibus regni hujus, in ballivis suis, et in burgis clausis, et muro vallatis, et in castellis eandem dignitatem, et potestatem, et modum, qualem habent praepositi hundredorum et wapentachiorum in ballivis suis sub vicecomite regis per universum regnum. Debent enim et leges, et libertates, et jura, et pacem regis, et justas consuetudines regni et antiquas a bonis praedecessoribus approbatas inviolabiliter, et sine dolo, et sine dilatione, modis omnibus pro posse suo servare. Cum aliquid vero inopinatum, vel dubium, vel malum, contra regnum, vel contra coronam domini regis, forte in ballivis suis subito emergerit, debent statim pulsatis campanis quod Anglice vocant ‘mochel’ convocare omnes, et universos, quod Anglice dicunt ‘folcmote,’ *i.e.* vocatio et congregatio populorum, et gentium omnium, quia ibi omnes convenire debent,¹ et universi qui sub protectione et pace domini regis degunt,

¹ Vid. LL. Alwredi, cap. 22. et Æthelstani in Praefat.

Cap. VIII. ^{xvii} This chapter, like the preceding, contains a variety of distinct provisions, the greater part of which are literally translated from the Saxon laws.

The first of these provisions, viz. 'That a full meeting of every hundred should be held twice a year, at which all freemen (*liberi*) *tam hudefest*' (*heonðfæst*, Cn. Sec. 20.) 'quam *folgarii* (*folgepe*, *ib.*) should be present *ad dinoscendum*,' &c. is not to be found in any of the Saxon laws extant.

et consistunt in regno prædicto, et ibi providere debent indemnitatibus coronæ regni hujus per commune consilium, et ibi providendum est ad insolentiam malefactorum reprimendam ad utilitatem regni. Statutum est enim quod ibi debent populi omnes, et gentes universæ singulis annis, semel in anno scilicet convenire, scilicet in capite kal. Maii, et se fide et sacramento non fracto ibi in unam et simul confœderare, et consolidare sicut conjurati fratres ad defendendum regnum contra alienigenas, et contra inimicos, una cum domino suo rege, et terras, et honores illius omni fidelitate cum eo servare, et quod illi ut domino suo regi intra et extra regnum universum Britanniae fideles esse volunt. Ita debent facere omnes principes, et comites, et simul jurare coram episcopis regni in folcmote, et similiter omnes procures regni, et milites, et liberi homines universi totius regni Britanniae facere debent in pleno folcmote fidelitatem domino regi, ut prædictum est, coram episcopis regni. Hanc legem invenit Arthurus, qui quondam fuit inclytissimus rex Brytonum, et ita consolidavit, et confœderavit regnum Britanniae universum semper in unum. Hujus legis autoritate expulit Arthurus prædictus Saracenos, et inimicos a regno. Lex enim ista diu sopita fuit, et sepulta, donec Edgarus rex Anglorum qui fuit avus Edwardi regis propinqui vestri illam excitavit, et erexit in lucem, et illam per totum regnum firmiter observari præcepit. Debent etiam universi liberi homines totius regni juxta facultates suas, et possessiones, et juxta catalla sua, et secundum feodum suum, et secundum tenementa sua, arma habere, et illa semper prompta conservare ad tuitionem regni, et servitium domino suorum, juxta præceptum domini regis explendum et peragendum. Non debent illa ¹invadiare, nec extra regnum vendere, sed hæredibus suis in extremis legare ad servitium tenementorum suorum dominis suis explendum cum opus adfuerit. Quod si eorum hæredes vel parentes non habuerint, dominus suus illa recipiet: et si dominum non haberent, felagus suus (i.e. fide cum eo ligatus), si haberet, illa reciperet: si vero nihil istorum haberet, tunc regni sub cujus protectione et pace degunt universi rex illa resumet. Universi vero prædicti singulis annis in crastino Purificationis Beatæ Mariæ debent omni excusatione remota arma sua per universum regnum ostendere, scilicet in civitatibus regni, et in burgis, et in castellis, et hundredis, et wapentachiis regni, secundum eis quod statutum est, et adjudicatum, et juxta quod debent, et idcirco hoc fieri debet uno eodem die per universum regnum, ut prædictum est, ne aliqui possint

¹ *Invadiare*; i. e. pignori ponere.

These meetings of the hundred twice a year were afterwards called the sheriff's *tourn*, or view of frankpledge. *Fleta*, lib. 2. c. 52. It seems, at least, from the nature of the business first transacted at the sheriff's tourn, that it is the same with the full meetings of the hundreds here described, though held under the sheriff instead of the 'hundredarius.' Lord Coke is evidently mistaken in supposing the sheriff's tourn to be the same with the *scyresmot*, in Hen. 7. § 4. Inst. ch. 53.

xviii. 'Communis quippe,' &c. taken from Cn. Sec. 20. 'On *teofunge*' is rendered 'decima vel plegio liberali.' 'Lade *pýrðe*: *wite dignus*.' 'Sý he *heorðfæȝe* *ȝý he ȝolge*: *conductiui, vel solidarii, vel stipendiarii duorum (l. dominorum) plegio te*neantur.'

xix. (*See various readings*.) 'Quia nichil a nullo exigi vel capi debet,' &c. The law that corresponds the nearest to this general provision is Gul. Pr. III. 5., but the latter applies only to *liberi homines*, and Cn. Sec. 70. is merely a protection against purveyance.

xx. 'Et omnis dominus,' &c. taken in substance from Cn. Sec. 31, &c. but the last clause inexact, 'pro eis forsitan rationem redditurus.' The hlaforð was not answerable for his servants, unless they fled from justice.

'Ad publicum rectum.=To *ȝolcȝhte*.'

'Si ibi forisfaciant.=*Ȧȝ he þær ȝýlt ȝe*pýrce.'

Cap. IX. ^{xxi} This is a very miscellaneous chapter, containing a number of general remarks, difficult to analyse, and not always very clear in their meaning and application.

arma sua familiaribus suis et notis accommodare, nec ipsi illa mutuo accipere, ac justitiam domini regis defraudare, et dominum regem et regnum offendere. Si qui eorum infirmi fuerint, vel aliis de causis in regno occupati, vel urgentissimis negotiis extra regnum vel in regno detenti, invenient alios pro semetipsis qui sufficienter hoc faciant: quod nisi fecerint, vicecomites, et aldermanni, et præpositi hundredorum et wapentachiorum, et cæteri ballivi domini regis illud domino regi graviter emendare debent. Hujus legis autoritate Æthelredus rex subito uno eodemque die per universum regnum Danos occidit. Barones vero qui suas consuetudines habent, et qui suam habent curiam, de suis hominibus videant, ut sic de eis agant, et omnia rite faciant, quatenus erga dominum regem reatum non incurrant, nec coronam regni prædicti offendant.'

Cap. X. ^{xxii.} This and the following chapter contain a summary of the rights of the crown, as they were understood by lawyers at the time when this compilation was made.

^{xxiii.} 'Furtum morte impunitum.' Somner here seems to understand a thief taken with the stolen goods upon him, but not put to death at the moment, as might be done by In. 16.; to which he might have added Wih. 25, 26. and In. 21., besides the laws to which he refers of Ath. 1. pp. 198, 199. and J. C. L. xii. 1; but he rather prefers to read *puniendum*, instead of *impunitum*, as agreeing better with Hen. 13. § 1., where the expression is 'furtum probatum, et morte dignum.'

^{xxiv.} 'Foreste.' The earliest allusion to the forest laws is in Cn. Sec. 81. See also Cnut's 'Constitutiones de Foresta,' p. 426. By Carta Hen. p. 503. the free use of their hunting grounds was conferred on the citizens of London.

^{xxv.} 'Et omnibus ordinatis et alienigenis,' &c.

Liƿ mon gehadodne oþþe ælþeodigne þurh ænig þing ƿorƿæde. æt ƿeo oþþe æt ƿeope. þonne ƿceal him cýng beon. oþþe eorl þær on lande. ƿ biƿceop þære þeode. ƿor mæg ƿ ƿor mund-boran. buton he elles oþerne hæbbe.—E. & G. 12.

And gýr hit ƿerƿurðe þ̅ man gehadedum. oþþe ælþeodigum. æhran gedepode. ƿorðer oþþe ƿeorcer. þonne gebýrede. cinge ƿ biƿceope. þ̅ hiƿ þ̅ bet-tan. ƿpa hiƿ naþort mihton.—See p. 192. viii.

And gýr man gehadodne oþþe ælþeodigne man þurh ænig þingc ƿorƿæde. æt ƿeo oþþe æt ƿeope. oþþe hine bænde. oþþe hine beate. oþþe gebýmƿurze on ænige ƿýran. þonne ƿceal him cýngc beon ƿor mæg ƿ ƿor mund-boran. buton he elles oþerne hæbbe.—Ethelr. IX. 33.

Liƿ man gehadodne man oþþe ælþeodigne þurh ænig þingc ƿorƿæde. æt ƿeo oþþe æt ƿeope. þonne ƿceal him cýningc beon ƿor mæg ƿ ƿor mund-boran. buton he elles oþerne hlaƿorð hæbbe.—Cn. Sec. 40.

The progress of this law is here set down, because every stage of it illustrates the progressive advancement of the royal authority.

Cap. XI. ^{xxvi.} This chapter, like the former, is a summary from the Saxon laws, with such additions as had been made since the Conquest, of fines or penalties due to the king for offences against the church.

- xxvii. 'Rom-ƿech in festo Sƿi Petri.' The penalty to the king is here declared to be 50 shillings, which (supposing them to be Norman shillings) make 120 Saxon shillings, as in Ethelr. IX. 5.
- xxviii. 'Qui cyrisceattum,' &c. The preceding remark is also applicable here.
- xxix. 'Qui uxoratus,' &c. This is evidently taken from E. & G. 4., though with the insertion of *dominus*, and the substitution of adultery for incest, most probably from some blunder of the copyist.
- xxx. 'Si quis mortis reus.' The Saxon shillings are not converted into Norman in this place.
- xxxi. 'Ubique recusabitur,' &c. The general reflections that here follow seem to be collected from a variety of Saxon laws and maxims, but not taken literally, as the others, from any one law in particular. The passages from which they seem chiefly drawn are, E. & G. Preamble, Ethelr. V. 31. and IX. 34. The last sentence of all seems to refer to the epilogue attached to Alfred's collections from the Scriptures, pp. 58, 59, and the one immediately before it gives a reason, though a very bad one, for referring so much of the administration of justice to the discretion of the king: 'provisum est, ut graviora placita,' &c.

Cap. XII. xxxii. This chapter is a very imperfect enumeration from the Saxon laws of the compensations that might be received in different placita.

- xxxiii. 'Quedam non possunt emendari,' &c. This is taken, with no other change than some bad spelling, from Cn. Sec. 65., with the following addition from Cn. E. 2. 'et infraccio pacis ecclesie, vel manus regis per homicidium.' It is true that in Cn. Eccl. 2. it is homicide within church walls only that is declared to be 'bōtƿear,' but the king's 'handƿƿið' is declared to be the same, and ever 'unƿemmed,' and in Ethelr. III. 1. the king's 'hand-ƿƿið' is expressly said to be 'bōtƿear.'

- xxxiv. 'Hec emendantur c. solidis,' i. e. Norman shillings.

Cap. XIII. xxxv. This chapter, like the three last, is a slovenly compilation from the whole body of the Saxon laws, being a collection of such offences as were held, at the time when the author wrote, to place the culprit in 'misericordia regis.' As many of these offences are very heinous, and many of the penalties very severe, it may be doubted whether to be in

'misericordia' was at that time so light a matter as it appears to have been in the days of Glanville. See Gloss. sub voce.

Cap. XIV. ^{xxxvi}. Taken literally from Cn. Sec. 72. & 73. and the last sentence of 74., with the substitution of 100 man-cuses of gold, instead of 200, in the heriot of an earl, and the omission of the East-Angles after mention made of the Mercians.

Cap. XVI. ^{xxxvii}. From Ath. pp. 224, 225. with the substitution of four miles for three, and of nine-acre breadths for three.

Cap. XVII. ^{xxxviii}. These pleas, which the compiler justly states to be highly vexatious, cannot be traced beyond the time of Cnut, whose 81st secular law, while it confirms to every man the right of hunting in his own woods and fields, directs all persons to forego the king's huntað, which he is pleased to have ȝeƿuþoð, under the penalty of full 'wite.'

For the 'Constitutiones de Foresta,' ascribed to Cnut, see p. 426.

Cap. XX. ^{xxxix}. All capital questions, whether occurring in the king's soke or not, are of the king's soke, unless granted away by his special favour: 'buƿon he hƿæne ƿuþoƿ ȝemæðƿan pille. ⁊ he him ƿær ƿeoƿðƿipeȝ ȝeunne.' Cn. Sec. 12. 15. See also Cn. Sec. 64., where one guilty of 'ƿeaƿlac' is declared 'ƿeoȝe ȝcýlðȝ' to the king, or to him who has his 'ȝocen.' Also Cn. Sec. 74., in the case of one marrying a widow within the time prohibited by law.

Cap. XXI. ^{xl}. This chapter contains cases in which the king has part of the penalty, whoever be the guilty persons, or whether he has the whole *soke*, or only in part: such as adultery, homicide in church, breach of the peace, 'had-bryce,' 'infraccio christianitatis vel legalitatis,' if the secular arm is required to bring the offender to justice.

Cap. XXII. ^{xli}. The title of this chapter, as of many others in the collection, seems to have been given at random, without any attention to the subject matter, which relates to the grounds for evocating a cause from one court to another.

Cap. XXIII. ^{xlii}. To whom does the word 'eorum' refer?

Cap. XXV. ^{xliii}. Spelman justly remarks, that the word 'proceres' here means lords of manors.

Cap. XXIX. ^{xliv}. By 'barones comitatus' Spelman understands the freeholders of the county.

The only Saxon law which imposes a penalty on those who refuse to attend the ‘*gemōt*’ when legally cited is Ath. I. 20., but the provisions and penalties are different.

Cap. XXXI. ^{XLV.} ‘*Si inter judices,*’ &c., partly taken from Ethelr. III. 13., but with the substitution of ‘*melio-rem*’ for two thirds, and the addition of ‘*et cui justicia magis acquieverit.*’ Does ‘*justicia*’ here mean the king’s justiciary?

^{XLVI.} ‘*Interesse comitatui,*’ &c. from Edg. II. 5. and Cn. Sec. 18., with the insertion of ‘*et alie potestates.*’ This and H. 7. § 2. show that the compiler had not adverted to the Conqueror’s separation of the ecclesiastical from the secular courts.

^{XLVII.} ‘*Recordacionem,*’ &c. Somner refers to H. 49. § 4, for a confirmation of this principle. See also Glanv. L. 8. § 8.

^{XLVIII.} ‘*Alias licebit,*’ &c., that is, in other courts. Glanv. L. 8. § 8. and L. 12. § 7.

^{XLIX.} ‘*Et nemo de capitalibus,*’ &c., that is, without allowing him the means of defence. See H. 48. § 4.

^{L.} ‘*Unusquisque per pares suos,*’ &c. For the antiquity of this fundamental principle of English jurisprudence Somner refers to In. 55. (54.), but I think erroneously. He might have found examples of it in Wih. 17, 18, 19. A. & G. 3. N. P. L. 51, 52, & 53. Ethelr. V. 19, 20. Cn. Eccl. 5. and Cn. Sec. 31.; some of which are repeated in H. 64, 65.

^{LI.} ‘*Et ibi testes,*’ &c. This clause, as well as the preceding, must relate to compurgators, who were to swear to their belief of the facts charged against the accused. It is evident from this passage, that the testes or compurgators, named by the competent authorities, might be challenged, like modern jurymen, for cause shown.

^{LII.} ‘*In Westsexa,*’ &c. There is no allusion elsewhere to the peculiarity here referred to.

^{LIII.} ‘*Et non nominati judices,*’ &c. Compurgators named by the defendant were called *advocati*. There are many allusions in the Saxon laws to the nomination of compurgators, but it is nowhere said by whom they are to be named except in Ethelr. III. 13., where they are directed to be named by the ‘*gerefa.*’

Cap. XXXIV. ^{LIV.} 'Nisi se erga regem: butan he eft æt þæm cýnge gebicge rpa he him gehapian pille.'—Edg. II. 3. 'Si al rei nel pot reachater a soun pleisir.'—Gul. Pr. I. 39.

^{LV.} 'L. sol. in Westsexa,' &c. Here the penalty to the king is converted from 120 Saxon to 50 Norman shillings. To the earl it is put down at 40, instead of 60 sh. as in Cn. Sec. 15; to the hundred at 30 sh. of 5 pence each, which, it is said, are equal to 5 mancuses, in order that they may be reduced to shillings of 12 pence each.

Cap. XL. ^{LVI.} 'In curia regis' must here mean within the precinct described in H. 16.

Cap. XLI. ^{LVII.} Under this head we find a number of rules and distinctions, with respect to *overseunessa*, summonses, and *borh*, partly taken from the Saxon laws still extant, and partly from laws no longer in existence, and from the inventions of Norman lawyers.

^{LVIII.} 'Si jam recesserat dimisit eum.' This oath agrees in part with that exacted from the 'plegii' in Gul. Pr. III. 14., from the 'hospitator' in Conf. 23., and from the 'hlaforð' in Cn. Sec. 21. 30., and Ethelr. I. 1.

Cap. XLIII. ^{LIX.} Besides the subject referred to in the title, this chapter contains a number of provisions respecting the relation of lord and follower, partly Saxon, and partly not to be found in the Saxon laws.

^{LX.} 'Nemo a rege inplacitatus,' &c. Hence, also, employment in the king's service was a valid essoin.

^{LXI.} 'Si prepositus aut debitor,' &c. This seems to be an equitable exception from the preceding prerogative. Was it made part of the common law with the prerogative itself?

^{LXII.} 'Esse ad rectum,' is an answer in his lord's court to any charge or suit against him.

^{LXIII.} 'Qui furtum,' &c. From Cn. Sec. 78., with the addition of theft, felony, and being overcome in duel. Land is forfeited for theft also by J. C. L. I. 1.

Cap. XLIV. ^{LXIV.} One who is surety for his lord, and sustains any loss by his suretyship, is entitled to be reimbursed before

he is bound to answer any pecuniary demand of his lord. The remainder of this chapter is extremely obscure.

Cap. XLVI. ^{LXV.} This, with many of the following chapters, contains minute details of the proceedings in courts of law, very difficult to comprehend, and of no great use when understood.

^{LXVI.} ‘Si quis a domino suo,’ &c. Hence it appears that seven days were allowed between the summons of the defendant and his appearance in court. See also H. 7. § 4. *n.*^{c.} and 51. § 2.

^{LXVII.} ‘In aliis querat,’ &c. It appears that in misdemeanors, but not in capital charges, the defendant had time given him to make his answer, and leave to consult with his friends and relations.

Cap. XLVII. ^{LXVIII.} ‘De furto,’ &c. In certain heinous and capital offences enumerated the person accused was obliged to answer without delay.

Cap. LI. ^{LXIX.} ‘Et nulli,’ &c. The laws that follow relate to distresses, of which the only mention in Saxon times is in Cn. Sec. 19.

Cap. LII. ^{LXX.} The text of this chapter is very corrupt, but its meaning, as far as sense can be made of it, seems to be as follows:

1. Whoever is impleaded, at the suit of the king, by one of his judges, must give *vadium recti*, *i.e.* security that he will answer the charge, and make good the damage that may be awarded against him.
2. If he were not summoned to appear, and came not on that account, he must give the above-mentioned security, and find bail, if required.
3. But if he were legally summoned, and the day of trial fixed, he must answer without delay, if required by the judge, or lose his cause.
4. If he refuse to give the security required, after it has been three times demanded, he is guilty of *overseunessa*, and may be detained in custody till he finds bail or gives satisfaction: ‘maxime si iudicatum sit de vadio, si de capitalibus agatur in eo.’

Cap. LIII. ^{LXXI.} ‘Qui secundum legem,’ &c. One legally summoned to the county court by the king’s justice, if he neglect to attend, is guilty of *overseunessa regis*, that is 20 marcs (it should be *mancuses*) in Wessex; and if he had notice of the

causes for which he was cited, and has no sufficient excuse, he shall be adjudged to have lost them all.

Cap. LIV. ^{LXXII.} Settlement of copartnery accounts : adjustment of differences among partners. No part Saxon, except the clause ‘ubi vero aliquis eorum judicium.’

Cap. LV. ^{LXXIII.} Various points settled of the relation of lord and tenant. First mention of the word *honor*; and in the oath of fealty a *salvo* introduced of fidelity to the king, which shows that this chapter was compiled long after the time of Henry I.

1. Every lord may summon his homager to be *ad rectum* in his court, and though he reside in a remote manor, pertaining to the honor of which he holds, he must attend the ‘placitum,’ when summoned by his lord.
2. But the tenant of one honor is not bound to attend a ‘placitum’ held in another, ‘nisi de alterius causa sit’ for which he is summoned.
3. If a man holds of different lords and different honors, ‘ei plus debet, et ejus residens erit, cujus ligius est.’
4. Obligations of an homager to his lord, *salva fide Dei et terre principis*, and with a reserve of theft, treason, and murder, and what is contrary to God and the Catholic faith.
5. No one, without leave of his liege lord could become homager of another. This accords with numerous regulations in the Saxon laws, as Edw. 10. Ath. I. 22. Cn. Sec. 28.

Cap. LVI. ^{LXXIV.} How differences are to be settled between landlords and their farmers, whether homagers or not. How complaints against stewards are to be tried, whether in the manorial court or in the hundred.

Cap. LVII. ^{LXXV.} ‘Si inter compares,’ &c. Neighbours to meet and settle their differences at the boundaries of their land, and, if necessary, to go to their lord’s court, and if they belong to different lords, to the hundred.

2. The quarrels of their men to be settled in the same manner, unless they have come under a legal engagement to appear elsewhere; for every one should be tried where he has committed the offence, especially if he was seized and detained.
3. Where a man is seized with the proofs of his guilt in his possession, there he must be tried.
4. When men are impleaded in their lord’s court, he must name a competent term for trying them, and not lose his court or soke, ‘quamdiu non difforciaverit rectum.’

5. 'Inter homines,' &c. This regulation is not clear.
6. 'De illis,' &c. Exemption of the clergy from secular jurisdiction, 'in culpationibus maximis vel minoribus.'

Cap. LIX. ^{LXXVI.} Besides the subject of which it professedly treats, this chapter, like most of the others, touches on a variety of other questions, especially on the relation of lord and vassal, and of master and slave, on theft, battle, and jurisdiction of courts.

Cap. LXIV. ^{LXXVII.} Rubric corrupt and unintelligible.

^{LXXVIII.} 'In furto et murthero,' &c. It appears from this passage, that to be permitted 'plane jurare' was an honourable distinction, and that 'fracto juramento jurare' implied a doubt of the veracity or good faith of the person who was required to swear in that manner; and for this reason, probably, 'Francigene et alienigene in verborum observanciis non frangunt.' There is no mention of the *juramentum fractum*, *frangens*, in *verborum observanciis*, or *planum*, before the time of the Conqueror.

^{LXXIX.} 'Si quis de homicidio,' &c. Hence it would seem that the paternal relations were considered less worthy of credit than the maternal. There is no mention in the Saxon laws extant of any general purgation for homicide. The purgation, in a particular case, in Cn. Sec. 39. is the same as here; the purgation in In. 54. is quite different.

^{LXXX.} 'Item si quis sine iudicio,' &c. This mode is more fully detailed in H. 74. § 1, 2. What is here alluded to is probably the nature of the oath to be taken from the relations. See also Ath. 11.

^{LXXXI.} 'Werminga' is supposed by Somner (note) to be a mistake for *cenninga*. The whole passage is obscure and unintelligible.

Cap. LXVI. ^{LXXXII.} 'In hiis vero,' &c. This sentence appears to have a reference to the clause immediately preceding, but it is neither of easy construction, nor is the reason given for the rule easy to be understood. The rule seems to be, that the parties named as con-sacramentals should be taken from among the neighbours of the accused.

^{LXXXIII.} 'In Myrcenis,' &c. By this last clause it would seem that the number (say fifteen) required out of the forty-eight to take the oath should be selected by lot, and not by election.

Cap. LXVII. ^{LXXXIV.} ‘Triplex lada (juramentum) tam late,’ &c. This would seem to mean that the compurgators required for the compurgation must be taken from among the persons who belong to the court where the cause is tried.

^{LXXXV.} ‘Et de omnibus causis,’ &c. The meaning of this passage is: Whenever the accused might purge himself by oath *se sexto*, if he preferred the ordeal (judicium), he was to use the ‘ferrum judiciale’ that weighed 20 sol. or 1 lib. Where the three-fold purgation was required, he was to use the ‘ferrum judiciale’ that weighed 60 sol. or 3 lib. In confirmation of this it may be observed, that in Cn. Sec. 30. the simple ordeal appears to be regarded as equivalent to the pound-worth oath in three hundreds. In the triple *lada* the iron was triple and weighed three pounds; in the simple ordeal it was, therefore, one pound. But in Cn. Sec. 30. the simple ordeal is said to be equivalent to the one-pound oath, and here in H. 67. it is the same as ‘jurare se sexto.’ ‘Jurare se sexto’ was therefore the simple purgation by oath, in such cases as there described in the law.

^{LXXXVI.} ‘In causis que cotidie non cessant,’ &c. What these causes were is nowhere mentioned in the laws.

Cap. LXVIII. ^{LXXXVII.} ‘Et licet omnis presbiter,’ &c. From the time of Athelstan (see pp. 182, 183.) there is a number of laws declaring a mass-priest to be worthy of ‘thane-right’; and in many of them his ‘wer’ is said to be equal to that of a secular thane, as in Ath. pp. 186, 187. Ethelr. V. 9. and VI. 5., &c. This is the first time where it is said that the ‘wer’ to be paid for him shall be regulated, not by his rank in the church, but by his birth; and is so far completely at variance with the whole tenour of the Saxon laws.

Cap. LXX. ^{LXXXVIII.} This chapter consists chiefly of excerpts from Saxon laws, put together without method, and, though principally relating to compositions for homicide, diverging, towards the end, to other subjects.

^{LXXXIX.} ‘In Westsexa,’ &c. Wessex being here declared the head of the kingdom, would seem to indicate that this was a fragment of some Saxon law.

^{XC.} ‘Si servus servum occidat,’ &c. The exact prototype of this law seems uncertain. In Gul. Pr. I. 7. the *manbot* for the slaughter of a serf is declared

to be 20 shillings, but it does not appear what sort of shillings were intended; and there is no mention of any sort of compensation to the kindred. 40 pennies=8 Saxon=10 Mercian shillings. In Ethelr. II. 5. the payment for killing a *thræl* is declared to be 1 pound=20 Norman shillings, which makes it probable that the shillings in Gul. Pr. I. 8. are meant to be Norman shillings. In In. 74. the payment for killing an Englishman by a British 'theow,' is 60 shillings by his master, or the theow to be given up: but though 60 Mercian shillings=20 Norman shillings, 60 Saxon shillings=25. In In. 23. it seems to be declared, that for slaying certain theows, the compensation was 60 shillings, and for others 50; but 50 Saxon shillings were nearly equal to 20 Norman shillings.

xcī. 'Attamen persolvantur,' &c. The connexion of this clause either with what precedes or with what follows, is not apparent.

xcīī. 'Si se invicem occidunt liberi,' &c. This law, though its origin is not apparent, is undoubtedly Saxon; for it explains an obscure passage (see 'Oaths,' pp. 182, 183, and 'Mercian Law,' pp. 190, 191.) repeated in H. 64. § 2. It appears from this law, that after an affray an account was taken of the slaughter on each side; that if the account were even, neither side was entitled to compensation for its losses, nor could lawfully take vengeance for the slaughter; but if there were any difference in the loss, estimated by the 'wers' and numbers of persons slain, that the side which had sustained the greater loss was entitled to the overplus, or to exact vengeance to the amount of the overplus.

xcīīī. 'Si quis de servo,' &c. This law is far from clear; it probably means that if a freedman is slain, the slayer must pay for him, without any account being taken of the provocation or injury he had received from the person slain.

xcīv. 'Qui pacem facit,' &c. One who makes compensation for wounds or other injuries ought to take care that the accord is final, and have witnesses.

xcv. 'Si mulier homicidium faciat,' &c. It appears that the husband and husband's family were not liable

to make satisfaction for homicides committed by the wife; but that she, her children, and relations, were liable. Edm. 7. (pp. 256, 257.)

^{xcvi.} 'Si quis pater mortuus fuerit,' &c. Both these rules are laid down in Glanville, lib. 13. c. 15. and lib. 7. c. 11. The first is taken in part from Cn. Sec. 73. Ethelr. III. 14. and the principle of the second is to be found in H. & E. 6. and in In. 38.

^{xcvii.} 'Si quis sine liberis,' &c. Taken literally from the Leg. Ripuar. 56.

Cap. LXXIV. ^{xcviii.} This chapter contains a number of regulations concerning persons slain on suspicion of having committed some capital offence, but without a legal trial.

^{xcix.} 'Si ad *iiii. libras*,' &c. This passage is manifestly corrupt, nor does any obvious correction present itself. One 'qui ad *iiii. libras* natus sit' was a villein, H. 70. § 1. In Conf. 36. the compurgators required in a trial of this sort are eighteen, of whom twelve are to be paternal relations, and six maternal; but here, if the text is allowed to stand, they are to be eighteen paternal and four maternal, a number quite disproportionate. In E. & G. pp. 174, 175. the sureties required for 'wer-borh' are twelve, of whom eight are to be kinsmen on the father's side, and four on the mother's.

c. 'Si ad *xiv. libras*,' &c. One 'qui ad *xiv. libras* natus sit' is nearer being a 'six-hynde' man than any other description of persons, *xiv. libras* = 672 Saxon shillings. Can *xiv.* be a mistake for *xxv.*, which is the 'wer' of a thane?

Cap. LXXV. ^{ci.} 'Servus erat,' &c. Is not the word *servus* here used for a free retainer? Is not this implied by the phrase 'dominus in capite,' and by the payment to the relations?

^{cii.} 'Qui servum suum,' &c. There appear to be no civil penalties in the Saxon laws for the death of a slave by his master. The ecclesiastical penances in Edg. M. I. P. 11, 12, are taken from Ecgbert's Penitential, II. 3, 4.

Cap. LXXVII. ^{ciii.} 'Si quis de servo patre,' &c. The only provision on this subject in the Saxon laws is a general decla-

ration, that children born in 'þeopet' are 'þeopar,' and children born in freedom are free. Ecg. P. c. 25. Th. P. xvi. 33. n. 1. If a woman was condemned to slavery while in a state of pregnancy, the child was born free. Th. P. xvi. 33. n. 1. On the other hand, if a female slave was manumitted after she became pregnant, her child was born a slave. Ecg. Conf. c. 25. See upon this subject *Glanv.* lib. 5. c. 6; *Bracton*, lib. 1. c. 6. § 4, 5; *Fleta*, lib. 1. c. 3, 4; *Britton*, c. 31. p. 156; *Mirror*, c. 2. § 28; *Littleton*, § 187, 188; and *Fortescue*, § 42, who says, 'Lex Angliæ nunquam matris, sed semper patris conditionem imitari partum judicat.'

It appears that the general maxim above quoted is as old at least as this compilation; and that, as a consequence flowing from it, children born of a serf and a free woman in marriage have been always reputed serfs; but that children born of free women unmarried, though begotten by serfs, have always been reputed free; though this exception is not mentioned here. It does not appear, however, that bastards, as such, were necessarily free in the time of Bracton: among those born *servi* he enumerates children 'ex nativa soluta, quamvis ex patre libero.' Lib. 1. c. 6. § 4. Fleta also classes among those born *servi* the children 'ex soluta nativa, quia sequitur conditionem matris, a quocunque fuerit genitus, libero vel nativo.'

It appears that Britton held the same doctrine on this point with Bracton and Fleta, but the contrary is held to be the common law by Lord Coke, in his commentary on the above-cited passage from Littleton. It appears also that the principle laid down by Bracton and Fleta, of deciding on the *status* of the child from the *status* of the mother at the time of its conception, is as old as the Penitentials of Theodore and Ecgbert. This principle is indeed carried further by Bracton than by the Saxon bishops, and by Fleta still further.

'Si pater sit liber et mater ancilla,' &c. The general rule at the beginning of this clause is at variance with the doctrine laid down by many subsequent authorities. Glanville enumerates among the persons who are *nativi* by birth one born 'ex patre libero et matre nativa,' and adds, 'si quis liber homo duxerit nativam in uxorem ad aliquid villenagium, quamdiu fuerit ita obligatus villenagio eo ipso legem terræ tanquam nativus amittet.'

Bracton also lays it down, that one is born 'servus,' 'qui de libero genitus, qui se copulavit villanæ in villenagio constitutæ, sive copula maritalis intervenerit, sive non.' Lib. 4. c. 6. § 4. But he adds, that he is born free 'qui ex matre ancilla et patre libero genitus, dum tamen extra villenagium et in libero thoro, dum tamen ex matrimonio.'

Fleta, on the contrary, maintains that if the parents were copulate, and 'genitus fuerit partus a libero, licet a nativa, partus erit liber.' Lib. 1. c. 3. § 2.

The Mirror makes the marriage of the parents an essential condition to the liberty of the offspring. ‘Those are *villaines* who are begotten of a freeman and a *neife*, and born out of matrimony.’ Ch. 2. § 28. Britton also appears to consider the same condition essential. Ch. 31. p. 156. And Fortescue (chap. 42.) asserts the same doctrine as is here laid down. Littleton makes the offspring of a *neife* who marries a freeman free: ‘si niefe prend frank home a sa baron, lour issues serra frank.’ Sec. 187. On which Lord Coke notes, that the *neife* marrying a freeman is enfranchised during the coverture, and therefore, by the common law of England, the issue is free. 123 *a*.

Bastards, in the time of Littleton, were born free, whatever was the condition of the mother.

It appears on the whole, that the construction of the law became gradually more favourable to personal liberty after the time of Glanville.

Cap. LXXVIII. ^{civ.} ‘Qui servum suum liberat,’ &c. This form of manumission agrees with Gul. Pr. III. 15., but it appears that, besides the county court, manumissions might take place in the church, in the market place, and in the hundred.

^{cv.} ‘Et de singulis discrete sciatur,’ &c. A register to be kept of slaves to prevent the abuse here complained of. The passage seems to be a note thrust into the text.

^{cvi.} ‘De inventis et pauperibus,’ &c. Text corrupt and unintelligible.

Cap. LXXIX. ^{cvil.} ‘Si quis a vicecomite,’ &c. The same penalty for ‘*ꝥriðbrýce*’ as in H. 12. § 2., H. 35. § 2., and the passages referred to in H. 12. The shillings are Norman. The peculiarity here is, that the king’s peace might be granted by the sheriff or other minister.

^{cviil.} ‘Matris et capitalis ecclesie *ꝥriðbpeche*,’ &c. Taken literally from Ethelr. IX. 5., and Cn. Eccl. 3., except that 120 shillings are translated 50 shillings, 60 sh. 25, and 30 sh. 12 sh. 6 d.

Cap. LXXX. ^{cix.} ‘Si quis in domo vel in curia regis,’ &c. The distance to which the king’s peace extends from his ‘*burȝ-geat*’ is laid down in Ath. pp. 224, 225. and Hen. 16.;

but this is the only place where a definition is given of what is to be considered as his *domus*. The limits were probably the same as what is termed in Edm. E. 3., Ethelr. VII. 15. and VI. 36., his 'neaperc.'

Cap. LXXXI. ^{CX.} This is a very curious chapter, and not only shows us with what care precautions were taken to prevent and punish drinking quarrels, but it marks the relative importance of the *villani*, *cotsæti*, and *servi*. The text is corrupt, but not to such a degree as to make the sense obscure.

Cap. LXXXIV. ^{CXI.} 'In quibusdam locis,' &c. This very singular regulation, so strongly illustrative of a rude but warlike people, is nearly the same with H. 39.

Cap. LXXXVI. ^{CXII.} The title of this chapter is incorrect.

Cap. LXXXVII. ^{CXIII.} 'Qui ad occidendum,' &c. The first sentence is from Alf. 19., but instead of going on with that law, the three sentences that follow are from In. 29., omitting the words 'opþererne. ⁊ he loþge.' The compiler then reverts to Alf. 19., and takes from it the remainder of the clause.

^{CXIV.} 'Si quis ad hostium,' &c. From Cn. Sec. 76., with the addition 'observet autem . . . munda sint.'

^{CXV.} 'Si quelibet arma politori,' &c. from the latter part of Alfr. 19., and explains what is there very difficult to understand. The words *et de subito arripiantur ad aliquid male agendum*, which are necessary to make out the sense, are wanting in the Saxon text, as well as in the Latin version. 'Treyuñð' is rendered 'absoluta,' and 'anġylðe,' by a periphrasis, 'custodiam.' The passage, as it here stands, may be thus translated: *If arms are entrusted to a cutler to clean, or to any one to keep, and they are carried off to do mischief with, it is fair that the person to whose care they were committed free from guilt should give them back in the same state, unless he made an express bargain that he should not be bound to keep them from being used for an unlawful purpose. But if he is accused of being privy or auxiliary to the use that was made of them, he must clear himself according to law.* The last sentence is not in Alf. 19.

- ^{CXVI.} 'Si quis occidatur in hloþe,' &c. taken from Alf. 29., and in part from In. 34, but the sums different, and 'manbota' substituted for *wite*.

Cap. LXXXVIII. ^{CXVII.} A very miscellaneous chapter; chance medley; homicides from carelessness, from misfortune, deadly feuds; right and obligations of kindred.

- ^{CXVIII.} 'Si quis propter faidiam,' &c. By the Salic law (Tit. 63. Ref.), if one who had abjured his kindred died or was slain, his inheritance or composition went, not to his heirs, but to the *fisc*, or grantees of the *fisc*.

- ^{CXIX.} 'Et nulli liceat forismittere.' There is nothing analogous to this in any Saxon law extant, except the particular case in Alf. 41.

- ^{CXX.} 'Et in omni weregildo,' &c. This regulation implies that the law of Edm. Sec. 1. had been without effect, and that the relations of the homicide were still liable to the feud for his offence, until satisfaction was given.

Cap. XC. ^{CXXI.} 'Qui aliquem exarmaverit injuste,' &c. taken from Cn. Sec. 61., with this addition, *that if the person deprived unjustly of his arms is in the meantime slain or hurt by any one, the person who disarmed him must make compensation.*

Cap. XCI. ^{CXXII.} The following are the variations between this law and former ones on the same subject: *Time*.—By Conf. 15. a month and day allowed to search for the criminal before the penalty is exacted, and then to be kept under the king's seal for a year and a day. By Gul. Pr. III. 3. the time is reduced to five days; in H. 13. § 2. 75. § 6. it is the same as here. *Amount of penalty*.—In Gul. Pr. I. 22. it is said to be 47 marks, but probably by some blunder. In H. 75. the clause on murder is manifestly corrupt. *To whom due*.—By Conf. 15. on failure of relations, their portion to the lord or 'felagus' (ꝥeꝛð?), and on failure of all, to the king.

Cap. XCII. ^{CXXIII.} 'Et quando et ubi,' &c. What follows seems corrupt, and to want something to complete the sense. It alludes, apparently, to the inquiries to be made as to any former quarrels or differences between the person murdered and the person suspected of having murdered him.

- cxxiv. 'Qui murdrum aperte fecerit,' &c. How can murder be committed 'aperte'? The punishment is from Cn. Sec. 55., where the words 'open moþð' are used, and here improperly applied to the perpetrator, instead of the deed.
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ADDITIONAL REMARKS.

Ethb. 3. *note* (^b). Mr. Cooper's Report, referred to here and at page 193. *note* (^b), has not been published. From a copy of Appendix (B.), which reached Germany, the two principal poems have been reprinted, with illustrations, under the following title: 'Andreas und Elene, herausgegeben von Jacob Grimm. Cassel, 1840.'

Ine, 62. The interpretation, which I have ventured to give of this obscure law, is founded on the supposition, that the word 'ceap' is used in the same sense throughout. To the objection, that my translation of it by *pledge* is unsupported, it may be answered, that *pledge*, or *security*, is the only term which seemed to express the meaning of 'ceap' in every place where it occurs, and that it is, to a certain degree, authorized by the law of H. & E. 10., where it is said: 'E̅t̅ man oðerne t̅ihte ȝiþpan he him b̅yȝan ȝeƿealdne hæbbe,' *If any one should accuse another after he has given him a security (pledge).*

Ine, 64-66. The object of these enactments was apparently to prevent persons from letting their land lie waste, by enacting that no landholder should leave his land who could not show that the half at least was in a proper state of cultivation.

Ine, 67, 68. These two laws, though their precise import is not clear, seem to have the same object with the three immediately preceding; viz. the promotion of agriculture.

Edw. & Guth. 4. What is meant by þone urepan and þone n̅ȝþepan is a point of uncertainty, which the Latin of H. xi. 5., where the Saxon is rendered by *superiorem* and *inferiorem*, leaves undecided. If the condition in life of the parties is to be understood, it would seem, from the use of the masculine article only, that the man alone was subject to punishment. If sex be referred to, the text is faulty, and for the second 'þone' we should read 'þa.' This interpretation is

ADDITIONAL REMARKS.

supported by the following passages from Domesday Book: fol. 1., 'De adulterio vero, per totum Chent, habet rex hominem, et archiepiscopus mulierem, excepta terra S. Trinitatis, et S. Augustini, et S. Martini, de quibus rex nichil habet;' and again, fol. 26., 'Adulterium vel raptum faciens, VIII. sol. et IIII. deñ. emendat homo, et femina tantundem. Rex habet hominem adulterum, archiepiscopus feminam.'

Ath. I. 16. By *the plough*, the plough or carrucata of land is meant, not the implement of agriculture.

Edm. C. 3. The word 'ordalii' is undoubtedly either a barbarism or a clerical error for 'ordarii,' or 'hordarii,' from the A.S. 'hordere.'

Edg. H. 4. For 'manna' we ought certainly to read 'manner,' and translate—*of the hundred-man*. The Latin translator had evidently this reading before him; he renders it 'hominis hundreti.'

Edw. Conf. 30. l. 3. The MSS. read *Anglorum*, but it should manifestly be *Danorum*.

ERRATA.

- Page 30. line 5. *for* *pil ſumne* *read* *pilſumne*.
— 30. line 8. *for* *ƿocýnſeſ* *read* *ƿo cýnſeſ*.
— 62. cap. iv. line 2. *for* *ƿeop-munſe* *read* *ƿeopmunſe*.
— 63. cap. 3. line 5. *for* 'earldorman's' *read* 'ealdorman's'.
— 163. note (b). line penult. *for* c. 10. *read* c. 6.
— 184. line 9. *for* *ƿætepeſ* *read* *ƿætepeſ*.
— 212. line 8. *for* *ſetihloða* *read* *ſetihtloða*.
— 314. cap. iii. line 3. *for* *eāð-méctum* *read* *eāðméctum*.
— 359. note (a). *for* The text is from *G*. *read* The text is from *H*.
— 366. cap. viii. line 1. *for* *ſelæſc* *read* *ſelæſc*.
— 426. cap. i. line 1. *for* *sunt* *read* *sint*.
— 428. cap. xxx. line 4. *for* *voluere* *read* *voluero*.
— 508. note (a). *for* 57. § 2. *read* 57. § 3.
— 526. note (b). *for* 453. *read* 224, 225.

ABBREVIATIONS EXPLAINED.

- A. & G. Alfred and Guthrum's Peace, p. 152, 153.
- Alf. Laws of King Alfred, p. 44, 45.
- Ath. I. Laws of King Athelstan, I. (Council of Greatanlea),
p. 194, 195.
- Ath. II. - - - - II. (Decretum Cantianum),
p. 216.
- Ath. III. - - - - III. (Decretum Sapientum Angliæ), p. 217.
- Ath. IV. - - - - IV. p. 220, 221.
- Ath. V. - - - - V. (Judicia Civitatis Londoniæ), p. 228, 229.
- C. E. Laws of King Cnut (Ecclesiastical), p. 358, 359.
- C. F. - - - (Constitutiones de Foresta), p. 426.
- C. S. - - - (Secular), p. 376, 377.
- Ed. Laws of King Edward, p. 158, 159.
- E. & G. Laws of Edward and Guthrum, p. 166, 167.
- Ed. C. Laws of King Edward the Confessor, p. 442.
- Ed. C. L. - - - - (Libertas Civitatum), p. 462.
- Edg. H. Laws of King Edgar (How the Hundred shall be held),
p. 258, 259.
- Edg. I. - - - I. (Ecclesiastical), p. 262, 263.
- Edg. II. - - - II. (Secular), p. 266, 267.
- Edg. S. - - - (Supplement), p. 270, 271.
- Edm. B. Laws of King Edmund (Of betrothing a Woman),
p. 254, 255.
- Edm. C. - - - (Concilium Culintonense),
p. 252.
- Edm. E. - - - (Ecclesiastical), p. 244, 245.
- Edm. S. - - - (Secular), p. 246, 247.

ABBREVIATIONS EXPLAINED.

Eth. I.	Laws of King Ethelred, I. (Council of Woodstock), p. 280, 281.
Eth. II.	- - - II. (Treaty with Anlaf, Justin, and Guthmund), p. 284, 285.
Eth. III.	- - - III. (Council of Wantage), p. 292, 293.
Eth. IV.	- - - IV. (De Institutis Londoniæ), p. 300.
Eth. V.	- - - V. (Liber Constitutionum), p. 304, 305.
Eth. VI.	- - - VI. (Council of Enham), p. 314, 315.
Eth. VII.	- - - VII. (Be Grið and be Munde), p. 330, 331.
Eth. VIII.	- - - VIII. (Conc. apud Habam), p. 336.
Eth. IX.	- - - IX. (Be Ciric-Griðe), p. 340, 341.
Ethb.	Laws of King Æthelbirht, p. 2, 3.
Ff.	Of Forfang, p. 224, 225.
H.	Laws of King Henry I. p. 497.
H. & E.	Laws of Hlothhære and Eadric, p. 26, 27.
In.	Laws of King Ine, p. 102, 103.
M. L.	Mercian Law, p. 190, 191.
O.	Oaths, p. 178, 179.
O. D.	Ordinance respecting the 'Dûn-sætas,' p. 352, 353.
R.	Ranks, p. 190, 191.
R. S.	Rectitudines Singularum Personarum, p. 432, 433.
Wg.	Wergilds, p. 186, 187.
Wih.	Laws of King Wihtræd (Council of Berghamstede), p. 36, 37.
Wil. I.	Laws of King William the Conqueror, I. p. 465.
Wil. II.	- - - - - II. p. 488, 489.
Wil. III.	- - - - - III. p. 490.
Wil. IV.	- - - - - IV. p. 495.

TABLE OF CONCORDANCE.

N. B.—It is to be observed, that whenever a law, which in one code stands alone as a separate chapter or title, appears in another place as a clause only of a chapter or title, the references to such clauses are in the Table of Concordance distinguished from each other by a short line (—).

ÆTHELBIRHT.

- Cap. 1. Eth. VII. 7.
 5. H. XIII. 1. LXXX. 1. 7.
 6. H. LXVIII. 1.
 8. Wih. 2.; Eth. VII. 8.
 15. Alf. 39.; In. 6.; H. LXXXI. 8.
 18. Alf. 19.; H. LXXXVII. 1.
 19. Eth. 89.
 23. H. & E. 2. 4.
 24. Ethb. 88.; Alf. 35.; C. S. 42. 61.; H. xc. 9.
 27. } Alf. 40.; In. 45.; Eth. IV. 4.; H. XII. 2. XXXV. 2.
 29. }
 31. C. S. 54.
 33. H. xciv. 4.
 36. } Alf. 44.; H. xciii. 2.
 37. }
 38. Alf. 68.; H. xciii. 28.
 39. } Alf. 46.; H. xciii. 4.
 40. }
 43. Alf. 47.; Wil. I. 19.; H. xciii. 5.
 44. Alf. 47.
 50. Alf. 50.; H. xciii. 9.
 51. Alf. 49.; H. xciii. 7.
 53. Alf. 54. 55.; H. xciii. 13. 14.
 54. } Alf. 56-60.; Wil. I. 11.; H. xciii. 15-19.
 55. }
 59. } Wil. I. 10.; H. xciii. 1.
 60. }
 61. Alf. 61.; H. xciii. 20.
 64. Alf. 65.; H. xciii. 24.
 65. Alf. 62.; H. xciii. 21.
 66. Alf. 70.; H. xciii. 30.
 67. Alf. 62.; H. xciii. 21.
 68. Alf. 77.; H. xciii. 37.
 69. Alf. 71.; Wil. I. 11.; H. xciii. 31.

TABLE OF CONCORDANCE.

ÆTHELBIRHT—*continued.*

- Cap. 70. } Alf. 64.; H. xciii. 23.
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 82. } Alf. 11. 18. 25. 26.; In. 10.; Eth. VI. 39.; C. S. 53.;
 83. } Wil. I. 12. 18.; H. x. 1. xiii. 6.
 84. }
 86. H. lxx. 2. 3.
 88. Ethb. 24.; Alf. 35.; C. S. 42. 61.; H. cx. 9.
 89. Ethb. 19.
 90. Wih. 27.; Ath. III. 6.; Edm. C. 4.

HLOTHHÆRE AND EADRIC.

- Cap. 2. } Ethb. 23.
 4. }
 6. In. 38.; H. lxx. 18.
 7. H. & E. 16.; In. 25.
 8. }
 10. } In. 8. 62.
 13. }
 14. } In. 6.; H. lxxxvi. 1. lxxxvii. 9. 10.
 15. C. S. 28.; Ed. C. 23.; Wil. I. 48.; H. viii. 5.
 16. H. & E. 7.; In. 25.

WIHTRÆD.

- Cap. 1. Ath. IV. 3.; Eth. VIII. 3.
 2. Ethb. 8.; Eth. VII. 8.
 4. C. S. 6. 56.
 6. In. 2.; E. & G. 3.
 8. H. lxxvii. 3. lxxviii. 1.
 9. }
 10. } In. 3.; E. & G. 7.; C. S. 45.; H. xi. 10.
 11. }
 14. } E. & G. 8.; Eth. VIII. 2.; C. S. 47.
 15. }
 17. } Eth. IX. 19. 20. 21.; C. E. 5.; H. lxiv. 8.
 18. }
 20. A. & G. 3.
 25. } In. 12.; Ath. I. 1. III. 6.; Wil. I. 27.; H. lvii. 4. lix. 20.
 26. } 23.
 27. Ethb. 90.; Ath. III. 6.; Edm. C. 4.
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ALFRED.

- Cap. 1. C. E. 19.
 2. Alf. 5. 42.; In. 5.; Ath. III. 6. IV. 4.; Edm. S. 2.; Eth.
 VII. 5.; Ed. C. 5.; Wil. I. 1.
 3. C. S. 59.; Eth. VII. 11.
 4. Ath. I. 4.; Edg. II. 7.; Eth. V. 30. VI. 37.; C. S. 26. 58.
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- Cap. 5. Alf. 2. 42.; In. 5.; Ath. III. 6. IV. 4.; Edm. S. 2.; Eth. VII. 5.; Ed. C. 5.; Wil. I. 1.
7. In. 6.; Eth. VII. 9. 15.; C. S. 60.; H. x. 1. XIII. 7. LXXX. 1.
8. Alf. 18.; Edm. E. 4.; Eth. VI. 39.; H. LXXIII. 6.
9. H. LXX. 14. 15.
11. Ethb. 82-84.; Alf. 18. 25. 26.; In. 10.; Eth. VI. 39.; C. S. 53.; Wil. I. 12. 18.; H. x. 1. XIII. 6.
12. In. 43. 44.; C. F. 28. 29.; H. XXIII. 2. XXXVII. XLV. 4.
13. H. xc. 6.
14. H. LXXXVIII. 6.
15. Alf. 38.; In. 6.; Eth. VII. 12.; H. LXXX. 8.
17. H. LXXXVIII. 7. 8.
18. Ethb. 82-84.; Alf. 11. 25. 26.; In. 10.; Eth. VI. 39.; C. S. 53.; Wil. I. 12. 18.; H. x. 1. XIII. 6. — Alf. 8.; Edm. E. 4.; Eth. VI. 39.; H. LXXIII. 6. — H. LXXXII. 9.
19. Ethb. 18.; H. LXXXVII. 1. — H. LXXXVII. 3.
20. H. XXIII. 3. XLV. 2.
21. Eth. IX. 26.; C. S. 41.; H. LXVI. 2. LXVIII. 8. LXXIII. 2. 3. 4.
25. } Ethb. 82-84.; Alf. 11. 18.; In. 10.; Eth. VI. 39.; C. S. 53.;
26. } Wil. I. 12. 18.; H. x. 1. XIII. 6.
27. } In. 23.; H. LXXV. 6. 10.
28. }
29. }
30. } In. 13. 14.; H. LXXXVII. 4. 7.
31. }
32. Edg. II. 4.; C. S. 16.; H. XXXIV. 7.
34. In. 25.
35. Ethb. 24. 88.; C. S. 42. 61.; H. xc. 9.
36. H. LXXXVIII. 1. 2. 3.
37. In. 39.; Ed. 10.; Ath. I. 22. II. 4. III. 4. IV. 1.; Edm. C. 3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2.
38. Alf. 15.; In. 6.; Eth. VII. 12.; H. LXXX. 8.
39. Ethb. 15.; In. 6.; H. LXXXI. 3.
40. Ethb. 27. 29.; In. 45.; Eth. IV. 4.; H. XII. 2. XXXV. 2. — C. E. 16.; C. S. 48.; H. LXII. 1.
41. H. LXX. 21. LXXXVIII. 14.
42. Alf. 2. 5.; In. 5.; Ath. III. 6. IV. 4.; Edm. S. 2.; Eth. VII. 5.; Ed. C. 5.; Wil. I. 1. — Eth. IV. 4.; H. LXXXII. 1. LXXXIII. 1. 3. — H. LXXXII. 3. 4. LXXXVIII. 10. — H. LXXXII. 8. — Wil. I. 35.
43. Edg. I. 5.; C. E. 14. — Eth. V. 14. VI. 22.; C. E. 16. — Eth. VI. 23.; C. E. 16.; H. LXII. 1.
44. Ethb. 36. 37.; H. xciii. 2.
45. H. xciii. 3.
46. Ethb. 39. 40.; H. xciii. 4.
47. Ethb. 43. 44.; Wil. I. 19.; H. xciii. 5.
49. Ethb. 51.; H. xciii. 7.
50. Ethb. 50.; H. xciii. 9.
51. H. xciii. 10.
52. H. xciii. 11.
53. H. xciii. 12.
54. } Ethb. 53.; H. xciii. 13. 14.
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 57. } Ethb. 54. 55.; Wil. I. 11.; H. xciii. 15-19.
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 61. Ethb. 61.; H. xciii. 20.
 62. Ethb. 65. 67.; H. xciii. 21.
 63. H. xciii. 22.
 64. Ethb. 70. 71.; H. xciii. 23.
 65. Ethb. 64.; H. xciii. 24.
 66. H. xciii. 25. 26.
 67. H. xciii. 27.
 68. Ethb. 38.; H. xciii. 28.
 69. H. xciii. 29.
 70. Ethb. 66.; H. xciii. 30.
 71. Ethb. 69.; Wil. I. 11.; H. xciii. 31.
 72. H. xciii. 32.
 73. H. xciii. 33.
 74. H. xciii. 34.
 75. H. xciii. 35.
 76. H. xciii. 36.
 77. Ethb. 68.; H. xciii. 37.

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- Cap. 2. Wih. 6.; E. & G. 3.
 3. Wih. 9. 10. 11.; E. & G. 7.; C. S. 45.; H. xi. 10.
 4. In. 61.; Ath. I. proem.; Edm. E. 2.; Edg. I. 2. 3.; Eth.
 VI. 18. VIII. 4. IX. 11.; C. E. 10. 11.; R. S. p. 434, 435;
 H. xi. 4.
 5. Eth. VII. 4. 5.; H. xcii. 7. — Alf. 2. 5. 42.; Ath. III. 6.
 IV. 4.; Edm. S. 2.; Eth. VII. 5.; Ed. C. 5.; Wil. I. 1.
 6. Ethb. 15.; Alf. 39.; H. lxxxix. 3. — H. & E. 13. 14.; H.
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 7. In. 57.; C. S. 77.
 8. H. & E. 8. 10.; In. 62.
 10. Ethb. 82-84.; Alf. 11. 18. 25. 26.; Eth. VI. 39.; C. S. 53.;
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 11. Eth. V. 2. VI. 9. VIII. 5.; C. S. 3.; Wil. I. 41. III. 15.
 12. Wih. 25. 26.; Ath. I. 1. III. 6.; Wil. I. 27.; H. lvii. 4.
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 13. } Alf. 29-31.; H. lxxxvii. 4. 7.
 14. }
 16. In. 35.; Ath. IV. 4. V. vii.
 18. In. 37.
 20. Wih. 28.
 21. Ath. I. 11.; Eth. III. 7.; Ed. C. 36.; H. lxiv. 5. lxxiv. 2.
 23. Alf. 27. 28.; H. lxxv. 6. 10.
 24. In. 32.; Wg. 7. 8.
 25. H. & E. 7. 16.; Alf. 34.
 27. H. lxxviii. 4.

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31. Edm. B. 1. 5.
32. In. 24.; Wg. 7. 8.
34. H. LXXXVII. 8.
35. In. 16.; Ath. IV. 4. V. VII.
36. In. 28. 72.; C. S. 29.; Wil. I. 3. 49.; H. XII. 3. LIX. 18.
26. LXV. 1. 2.
37. In. 18.
38. H. & E. 6.; H. LXX. 18.
39. Alf. 37.; Ed. 10.; Ath. I. 22. II. 4. III. 4. IV. 1.; Edm. C.
3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2. — Wil. I. 32.;
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43. } Alf. 12.; C. F. 28. 29.; H. XXIII. 2. XXXVII. XLV. 4.
44. }
45. Eth. 27. 29.; Alf. 40.; Eth. IV. 4.; H. XII. 2. XXXV. 2.
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47. Ath. I. 24.
51. C. S. 66.; H. XIII. 9. LXVI. 6.
52. Ath. V. XI.
53. Eth. II. 9.
54. In. 46.
56. O. 7. 9.
57. In. 7.; C. S. 77.
61. In. 4.; Ath. I. *procem.*; Edm. E. 2.; Edg. I. 2. 3.; Eth.
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62. H. & E. 8. 10.; In. 8.
70. Ed. C. 12.; Wil. I. 7.; H. LXIX. LXX. 2. 4. LXXXVII. 4. —
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H. LXIV. 2. LXX. 1. LXXVI. 4.
72. In. 28. 36.; C. S. 29.; Wil. I. 3. 49.; H. XII. 3. LIX. 18
26. LXV. 1. 2.
74. H. LXX. 5.
76. H. LXXIX. 1.

ALFRED AND GUTHRUM'S PEACE.

- Cap. 2. Eth. II. 5.; Ed. C. 16.; H. LXX. 6. 8.
3. Wih. 20.
4. Ed. 1.

EDWARD.

- Procem.* Ed. 11.; Edg. H. 7. II. 1.; Eth. V. 1. VI. 8. VIII. 6.; C. S.
1. — Ed. 11.; O. D. 8.; H. IX. 4. LI. 2.
- Cap. 1. A. & G. 4. — Ath. I. 10. 12. 13. III. 2. V. x.; Edm. C. 5.;
Edg. S. 6.; Eth. I. 3.; C. S. 24.; Ed. C. 38.; Wil. I. 45.
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 3. Ath. I. 25.; C. S. 36. 37.
 4. Ed. 2.; C. S. 15.; H. XIII. 4.
 5. Ath. IV. 1.; Edg. S. 3. 4. 5.
 7. } In. 30.; Ath. I. 8. 20. III. 6. IV. 4. V. 1. 2.; Eth. III. 13.;
 8. } C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. x. 1. XI. 14. XIII.
 10. — Ath. I. 17.
 10. Alf. 37.; In. 39.; Ath. I. 22. II. 4. III. 4. IV. 1.; Edm. C.
 3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2.
 11. Ed. proœm.; Edg. H. 7. II. 1.; Eth. V. 1. VI. 8. VIII. 6.;
 C. S. 1. — Edg. H. 1. II. 5.; C. S. 18.; H. VII. 4. LI. 2.
 — Ed. proœm.; Edg. H. 7.; O. D. 8.; H. IX. 4. LI. 2.



EDWARD AND GUTHRUM.

- Procem. Eth. V. 1. VI. 1. IX. 44.; C. S. 5.
 Cap. 1. Edg. I. 5.; Eth. III. 1. VI. 14. VII. 2.; C. E. 2.; Ed. C. 12.
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 2. Eth. V. 1. 22. VI. 1. 27. 34. 42. IX. 44.; C. E. 1. 11. 19. 21.
 3. Wih. 6.; In. 2. — Edm. E. 1.; Edg. S. 1.; Eth. V. 4. 6. 9.
 VI. 41. IX. 27.; C. E. 5.; H. v. 16.
 4. C. S. 52.; H. XI. 5. — C. S. 43.
 5. C. S. 44.; H. XI. 9. LXVI. 4. — E. & G. 6.; Eth. V. 11.
 VI. 16. 43. VIII. 4.; C. E. 8. 14.
 6. Ath. I. proœm.; Edm. E. 2.; Edg. I. 3.; Eth. IX. 8.; C. E.
 8.; Ed. C. 7. 8.; H. XI. 2. — C. S. 49.; H. XI. 11. XIII. 11.
 LXVI. 5. — E. & G. 5.; Eth. V. 11. VI. 16. 43. VIII. 4.;
 C. E. 8. 14. — Edm. E. 2.; Edg. I. 4.; Eth. V. 11. VI. 18.
 IX. 10.; C. E. 9.; Ed. C. 10.; Wil. I. 17.; H. XI. 3.
 7. Wih. 9-11.; In. 3.; C. S. 45.; H. XI. 10. — Ath. I. 24. III.
 2. V. x.; Eth. V. 13. VI. 22. 44. IX. 17.; C. E. 15.
 8. Wih. 14. 15.; Eth. VIII. 2.; C. S. 47.
 9. Eth. V. 18. VI. 25.; C. E. 17.; H. LXII. 1. — C. S. 45.
 11. Eth. VI. 7.; C. S. 4.
 12. R. 8.; Eth. VI. 48. IX. 33.; C. S. 40.; H. x. 3. LXXV. 7.
 13. } In. 70.; O. 13.; Wg. 6. 9-12.; M. L.; Wil. I. 8.; H. LXIV.
 p. 174. } 2. LXX. 1. LXXVI. 4. — Edm. S. 7.; Wil. I. 7-9.; H.
 175. } LXVIII. 1. LXXVI. 1. 5-7.



OATHS.

- Cap. 3. Ath. I. 9.
 7. In. 56.; O. 9.
 8. Edg. S. 6.; C. S. 23.
 9. In. 56.; O. 7.
 12. Eth. V. 9. VI. 5. IX. 28.; C. E. 6.; H. LXIV. 2. 3. LXVIII.
 3.
 13. In. 70.; E. & G. 13.; Wg. 6. 9-12.; M. L.; Wil. I. 8.;
 H. LXIV. 2. LXX. 1. LXXVI. 4.
 14. Eth. III. 14.; C. S. 73.; H. XIV. 5.



TABLE OF CONCORDANCE.

WER-GILDS.

- § 6. In. 70.; E. & G. 13.; O. 13.; Wg. 9-12.; M. L.; Wil. I. 8.;
H. LXIV. 2. LXX. 1. LXXVI. 4.
7. }
8. } In. 24. 32.
9. }
10. } In. 70.; E. & G. 13.; O. 13.; Wg. 6.; M. L.; Wil. I. 8.;
11. } H. LXIV. 2. LXX. 1. LXXVI. 4.
12. }

MERCIAN LAW.

- § 1. In. 70.; E. & G. 13.; O. 13.; Wg. 6. 9-12.; Wil. I. 8.;
H. LXIV. 2. LXX. 1. LXXVI. 4.

RANKS.

- § 8. E. & G. 12.; Eth. VI. 48. IX. 33.; C. S. 40.; H. x. 3.
LXXV. 7.

ATHELSTAN. I.

- Procem. In. 4. 61.; Edm. E. 2.; Edg. I. 2. 3.; Eth. VI. 18. VIII. 4.
IX. 11.; C. E. 10. 11.; R. S. p. 432, 433.; H. XI. 4. —
E. & G. 6.; Edm. E. 2.; Edg. I. 3.; Eth. IX. 8.; C. E.
8.; H. XI. 2.
Cap. 1. Wih. 25. 26.; In. 12.; Ath. III. 6.; Wil. I. 27.; H. LVII.
4. LIX. 20. 23. — Ath. V. I. 1. XII. 3.; H. LIX. 20.
3. Edg. II. 2.; C. S. 17.; Wil. I. 43.; H. XXXIV. 6.
4. Alf. 4.; Edg. II. 7.; Eth. V. 30. VI. 37.; C. S. 26. 58. 65.;
H. XII. 1. XLIII. 7. XLVII.
5. Ed. C. 6.; Wil. I. 15.
6. Ath. IV. 6.; C. S. 65.; H. x. 1. XII. 1. XLVI. 1. XLVII.
LXVI. 9. — Ath. V. I. 5. — Edm. E. 6.; H. LXXI. 1.
7. Eth. I. 1.; C. S. 30.
8. In. 30.; Ed. 7. 8.; Ath. I. 20. III. 6. IV. 4. V. 1. 2.; Eth.
III. 13.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. x. 1.
XI. 14. XIII. 10.
9. O. 3.
10. Ed. 1.; Ath. I. 12. 13. III. 2. V. x.; Edm. C. 5.; Edg. S.
6.; Eth. I. 3.; C. S. 24.; Ed. C. 38.; Wil. I. 45. III. 10.
11.
11. In. 21.; Eth. III. 7.; Ed. C. 36.; H. LXIV. 5. LXXIV. 2.
12. Ed. 1.; Ath. I. 10. 13. III. 2. V. x.; Edm. C. 5.; Edg. S.
6.; Eth. I. 3.; C. S. 24.; Ed. C. 38.; Wil. I. 45. III. 10.
11.
13. Ed. 1.; Ath. I. 10. 12. III. 2. V. x.; Edm. C. 5.; Edg. S.
6.; C. S. 24.; Wil. I. 45. III. 10. 11. — Eth. V. 26. VI. 32.;
C. S. 10. 66.; R. S. p. 432, 433.; H. x. 1. XIII. 9. LXVI. 6.
14. Edg. II. 8.; Eth. VI. 32.; C. S. 8. — Eth. III. 8. IV. 5.;
H. XIII. 3.
15. Ath. II. 8.
17. Ed. 7.

TABLE OF CONCORDANCE.

ATHELSTAN. I.—*continued.*

- Cap. 19. Eth. I. 2.; C. S. 32.
 20. Edg. II. 7.; C. S. 25.; Wil. III. 14.; H. XXIX. 2. 3. LI. 1. LIII. 1. — In. 30.; Ed. 7. 8.; Ath. I. 8. III. 6. IV. 4. V. 1. 2.; Eth. III. 13.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. X. 1. XI. 14. XIII. 10.
 22. Alf. 37.; In. 39.; Ed. 10.; Ath. II. 4. III. 4. IV. 1.; Edm. C. 3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2.
 23. Ath. IV. 7.
 24. In. 47. — E. & G. 7.; Ath. III. 2. V. x.; Eth. V. 13. VI. 22. 44. IX. 17.; C. E. 15. — Wil. I. 45.
 25. Ed. 3.; C. S. 36. 37.
 26. Edg. II. 3. — C. S. 84.; Ed. C. p. 456, 457. n.; H. XII. 4. XXXIV. 8.
-

ATHELSTAN. II.

- Cap. 4. Alf. 37.; In. 39.; Ed. 10.; Ath. I. 22. III. 4. IV. 1.; Edm. C. 3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2. — Ath. III. 5.
 6. Ath. III. 3. V. VIII. 2.
 7. Edm. C. 7.; Eth. I. 1.; C. S. 31.; Ed. C. 21.; Wil. I. 52.; H. VIII. 3. XLI. 6. LIX. 6.
 8. Ath. I. 15.
-

ATHELSTAN. III.

- Cap. 2. Ed. I.; Ath. I. 12. 13. V. x.; Wil. III. 10. 11. — E. & G. 7.; Ath. I. 24. V. x.; Eth. V. 13. VI. 22. 44. IX. 17.; C. E. 15.
 3. Ath. II. 6. V. VIII. 2.
 4. Alf. 37.; In. 39.; Ed. 10.; Ath. I. 22. II. 4. IV. 1.; Edm. C. 3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2.
 5. Ath. II. 4.
 6. Ethb. 90.; Wih. 27.; Edm. C. 4. — Wih. 25. 26.; Ath. I. 1.; Wil. I. 27.; H. LVII. 4. LIX. 20. 23. — Alf. 2. 5. 42.; In. 5.; Ath. IV. 4.; Edm. S. 2.; Eth. VII. 5.; Ed. C. 5.; Wil. I. 1. — Eth. I. 1. III. 7. — In. 30.; Ed. 7. 8.; Ath. I. 8. 20. IV. 4. V. 1. 2.; Eth. III. 13.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. X. 1. XI. 14. XIII. 10.
-

ATHELSTAN. IV.

- Cap. 1. Alf. 37.; In. 39.; Ed. 10.; Ath. I. 22. II. 4. III. 4.; Edm. C. 3.; C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2. — Ed. 5.; Edg. S. 3. 4. 5.
 3. Wih. 1.; Eth. VIII. 3.
 4. In. 16. 35.; Ath. V. VII. — Alf. 2. 5. 42.; In. 5.; Ath. III. 6.; Edm. S. 2.; Eth. VII. 5.; Ed. C. 5.; Wil. I. 1. — In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6. V. 1. 2.; Eth. III. 13.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. X. 1. XI. 14. XIII. 10.
 5. H. XVI.

TABLE OF CONCORDANCE.

ATHELSTAN. IV.—*continued.*

- Cap. 6. Ath. I. 6.; C. S. 65.; H. x. 1. XII. 1. XLVI. 1. XLVII.
 LXVI. 9. — Edg. H. 9.; H. LXVII. 1. — Eth. III. 6.
 7. Ath. I. 23. — H. LXXXIII. 4. 5. 6.

FORFANG.

Wil. I. 5.

ATHELSTAN. V.

Cap. I.

- § 1. Wil. I. 27. — Ath. I. 1. V. XII. 3.; H. LIX. 20. — In. 30. —
 Ed. 7. 8.; Ath. I. 8. 20. III. 6. IV. 4. V. 1. 2.; Eth. III.
 13.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. x. 1. XI. 14.
 XIII. 10.
 2. In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6. IV. 4. V. 1. 1.; Eth.
 III. 13.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4. x. 1.
 XI. 14. XIII. 10.
 3. } Eth. I. 4.
 4. }
 5. Ath. I. 6.

Cap. VII.

In. 16. 35.; Ath. IV. 4.

Cap. VIII.

- § 2. Ath. II. 6. III. 3.
 4. Edg. H. 5.

Cap. x.

Ed. 1.; Ath. I. 12. 13. III. 2.; Wil. III. 10. 11. — E. & G.
 7.; Ath. I. 24. III. 2.; Eth. V. 13. VI. 22. 44. IX. 17.;
 C. E. 15.

Cap. XI.

In. 52.

Cap. XII.

- § 3. Ath. I. 1. V. 1. 1.; H. LIX. 20.

EDMUND. ECCLESIASTICAL.

- Cap. 1. E. & G. 3.; Edg. S. 1.; Eth. V. 4. 6. 9. VI. 41. IX. 27.;
 C. E. 5.; H. v. 16.
 2. In. 4. 61.; Ath. I. procem.; Edg. I. 2. 3.; Eth. VI. 18.
 VIII. 4. IX. 11.; C. E. 10. 11.; R. S. p. 434, 435.; H. XI.
 4. — E. & G. 6.; Ath. I. procem.; Edg. I. 3.; Eth. IX.
 8.; C. E. 8.; Ed. C. 7. 8.; H. XI. 2. — E. & G. 6.; Edg.
 I. 4.; Eth. V. 11. VI. 18. IX. 10.; C. E. 9.; Ed. C. 10.;
 Wil. I. 17.; H. XI. 3.
 4. Alf. 8. 18.; Eth. VI. 39.; H. LXXXIII. 6. — Eth. V. 10. 25.
 VI. 11. 28.; C. E. 7. 24.; C. S. 51.; H. XII. 3.
 6. Eth. V. 25. VI. 28.; C. S. 36. 37. — Ath. I. 6.; H. LXXI.
 1.

TABLE OF CONCORDANCE.

EDMUND. SECULAR.

- Cap. 1. H. LXXXVIII. 12.
 2. Alf. 2. 5. 42.; In. 5.; Ath. III. 6. IV. 4.; Eth. VII. 5.;
 Ed. C. 5.; Wil. I. 1.
 6. Eth. IV. 4.; C. S. 63.; Wil. I. 2. 15.
 7. E. & G. 13. (p. 174, 175.); Wil. I. 7-9.; H. LXVIII. 1.
 LXXVI. 1. 5-7.
-

EDMUND. CONC. CUL.

- Cap. 3. Alf. 37.; In. 39.; Ed. 10.; Ath. I. 22. II. 4. III. 4. IV. 1.;
 C. S. 28.; Wil. I. 30. 48.; H. XLIII. 2.
 4. Ethb. 90.; Wih. 27.; Ath. III. 6.
 5. Ed. 1.; Ath. I. 10. 12. 13.; Edg. S. 6.; Eth. I. 3.; C. S.
 24.; Ed. C. 38.; Wil. I. 45. III. 10. 11. — Edg. H. 4.
 7. Ath. II. 7.; Eth. I. 1.; C. S. 31.; Ed. C. 21.; Wil. I.
 52.; H. VIII. 3. XI. 6. LIX. 6. — Edg. II. 6.; Edg. S. 3.;
 Eth. I. 1.; C. S. 20.; Wil. I. 25. III. 14.; H. VIII. 2.
-

EDMUND. BETROTHING.

- Cap. 1. } In. 31.
 5. }
 9. Eth. VI. 12.; C. E. 7.
-

EDGAR. HUNDRED.

- Cap. 1. Ed. 11.; Edg. II. 5.; C. S. 18.; H. VII. 4. LI. 2.
 4. Edm. C. 5.
 5. Ath. V. VIII. 4.
 6. Wil. I. 42.
 7. Ed. protem.; Ed. 11.; Edg. II. 1.; Eth. V. 1. VI. 8. VIII. 6.;
 O. D. 8.; C. S. 1.; H. IX. 4. LI. 2.
 9. Ath. IV. 6.; H. LXVII. 1.
-

EDGAR. I.

- Cap. 1. Eth. VIII. 4. IX. 7.; C. E. 8.
 2. In. 4. 61.; Ath. I. proem.; Edm. E. 2.; Edg. I. 3.;
 Eth. VI. 18. VIII. 4. IX. 11.; C. E. 10. 11.; R. S. p. 434,
 435.; H. XI. 4. — Eth. VIII. 4.; C. E. 11. — Eth. V. 11.
 VI. 16. IX. 12.; C. E. 8.
 3. In. 4. 61.; Ath. I. proem.; Edm. E. 2.; Edg. I. 2.; Eth.
 VI. 18. VIII. 4. IX. 11.; C. E. 10. 11.; R. S. p. 434, 435.;
 H. XI. 4. — E. & G. 6.; Ath. I. proem.; Edm. E. 2.;
 Eth. IX. 8.; C. E. 8.; Ed. C. 7. 8.; H. XI. 2. — Eth.
 V. 11. VI. 17. IX. 9.; C. E. 8.
 4. E. & G. 6.; Edm. E. 2.; Eth. V. 11. VI. 18. IX. 10.; C. E. 9.;
 Ed. C. 10.; Wil. I. 17.; H. XI. 3.
 5. Alf. 43.; C. E. 14. — E. & G. 1.; Eth. III. 1. VI. 14.
 VII. 2.; C. E. 2.; Ed. C. 12. 26. 27.; Wil. I. 1. 2.;
 H. X. 1. XIII. 1. LXXIX. 3. — Eth. V. 17. VI. 24.; C. E.
 16.; H. LXII. 1.
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TABLE OF CONCORDANCE.

EDGAR. II.

- Cap. 1. Ed. proœm.; Ed. 11.; Edg. H. 7.; Eth. V. 1. VI. 8. VIII. 6.; C. S. 1.
 2. Ath. I. 3.; C. S. 17.; Wil. I. 43.; H. xxxiv. 6.
 3. Ath. I. 26. — C. S. 15.; Wil. I. 13. 39.; H. xiii. 4. xxxiv. 1. 2. 3.
 4. Alf. 32.; C. S. 16.; H. xxxiv. 7.
 5. Ed. 11.; Edg. H. 1.; C. S. 18.; H. vii. 4. li. 2. — C. S. 18.; H. vii. 2. xxxi. 3.
 6. Edm. C. 7.; Edg. S. 3.; Eth. I. 1.; C. S. 20.; Wil. I. 25. III. 14.; H. viii. 2.
 7. Alf. 4.; Ath. I. 4.; Eth. V. 30. VI. 37.; C. S. 26. 58. 65.; H. xii. 1. xliii. 7. xlvii. — Ath. I. 20.; C. S. 25.; Wil. III. 14.; H. xxix. 2. 3. li. 1. liii. 1. — C. S. 25. 30.; Wil. I. 47.; H. lxxv. 3.
 8. Ath. I. 14.; Eth. VI. 32.; C. S. 8. — Eth. V. 24. VI. 28. 32.; C. S. 9.; Wil. III. 7.

EDGAR. SUPPLEMENT.

- Cap. 1. E. & G. 3.; Edm. E. 1.; Eth. V. 4. 6. 9. VI. 41. IX. 27.; C. E. 5.; H. v. 16.
 3. Ed. 5.; Ath. IV. 1.; Edg. S. 4. 5. — Edm. C. 7.; Edg. II. 6.; Eth. I. 1.; C. S. 20.; Wil. I. 25. III. 14.; H. viii. 2.
 4. } Ed. 5.; Ath. IV. 1.; Edg. S. 3.
 5. }
 6. O. 8.; C. S. 23. — Ed. 1.; Ath. I. 10. 12.; Edm. C. 5.; Eth. I. 3.; C. S. 24.; Ed. C. 38.; Wil. I. 45. III. 10. 11.

ETHELRED. I.

- Cap. 1. Ath. I. 7.; C. S. 30. — Ath. II. 7.; Edm. C. 7.; C. S. 31.; Ed. C. 21.; Wil. I. 52.; H. viii. 3. xli. 6. lix. 6. — Edm. C. 7.; Edg. II. 6.; Edg. S. 3.; C. S. 20.; Wil. I. 25. III. 14.; H. viii. 2. — Eth. III. 3. 4.; C. S. 22. 30.; H. lxiv. 9. lxxv. 3. lxxvii. 1. — Ath. III. 6.; Eth. III. 7. — C. S. 30. 31.; Wil. I. 52.; H. xli. 6. lxxv. 4.
 2. Ath. I. 19.; C. S. 32.
 3. Ed. 1.; Ath. I. 10. 12.; Edm. C. 5.; Edg. S. 6.; C. S. 24.; Ed. C. 38.; Wil. I. 45. III. 10.
 4. Ath. V. i. 3. 4. — C. S. 30. 33.; Wil. I. 47.; H. lxxv. 3.

ETHELRED. II.

- Cap. 5. A. & G. 2.; Ed. C. 16.; H. lxx. 6. 8.
 8. Wil. I. 21.
 9. In. 53.

TABLE OF CONCORDANCE.

ETHELRED. III.

- Cap. 1. E. & G. 1.; Edg. I. 5.; Eth. VI. 14. VII. 2.; C. E. 2.;
Ed. C. 12. 26. 27.; Wil. I. 1. 2.; H. x. 1. XIII. 1. LXXIX. 3.
3. Eth. I. 1. III. 4.; C. S. 22. 30.; H. LXIV. 9. LXV. 3. LXVII. 1.
— C. S. 82.
4. Eth. I. 1. III. 3.; C. S. 22. 30.; H. LXIV. 9. LXV. 3. LXVII. 1.
6. Ath. IV. 6.
7. In. 21.; Ath. I. 11.; Ed. C. 36.; H. LXIV. 5. LXXIV. 2.
— Ath. III. 6.; Eth. I. 1.
8. Ath. I. 14.; Eth. IV. 5.; H. XIII. 3.
13. H. v. 6. XXXI. 2. — In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6.
IV. 4. V. 1. 2.; C. S. 13. 15. 67.; Ed. C. 5.; H. VIII. 4.
x. 1. XI. 14. XIII. 10.
14. O. 14.; C. S. 73.; H. XIV. 5.
16. Eth. IV. 5.



ETHELRED. IV.

- Cap. 4. Ethb. 27. 29.; Alf. 40.; In. 45.; H. XII. 2. XXXV. 2. —
Alf. 42.; H. LXXXII. 1. LXXXIII. 1. 3. — Edm. S. 6.;
C. S. 63.; Wil. I. 2. 15. — Ed. C. 12.; Wil. I. 26.
5. Ath. I. 14.; Eth. III. 8.; H. XIII. 3. — Eth. III. 16.



ETHELRED. V.

- Cap. 1. Eth. V. 34. VI. 1. 6. VIII. 1.; C. E. 1.; Wil. III. 1. — Ed.
proëm.; Ed. 11.; Edg. H. 7. II. 1.; Eth. VI. 8. VIII.
6.; C. S. 1. — E. & G. 2.; Eth. V. 22. VI. 1. 27. 34. 42.
IX. 44.; C. E. 1. 11. 19. 21. — E. & G. proëm.; Eth. VI.
1. IX. 44.; C. S. 5.
2. In. 11.; Eth. VI. 9. VIII. 5.; C. S. 3.; Wil. I. 41. III. 15.
3. Eth. VI. 10.; C. S. 2.; Wil. I. 40.
4. E. & G. 3.; Edm. E. 1.; Edg. S. 1.; Eth. V. 6. 9. VI. 41.
IX. 27.; C. E. 5.; H. v. 16. — Eth. VI. 2. IX. 31.; C. E.
6.
5. Eth. V. 6. VI. 3.
6. E. & G. 3.; Edm. E. 1.; Edg. S. 1.; Eth. V. 4. 9. VI. 41.
IX. 27.; C. E. 5.; H. v. 16. — Eth. V. 5. VI. 3.
7. Eth. VI. 4.
9. E. & G. 3.; Edm. E. 1.; Edg. S. 1.; Eth. V. 4. 6. VI. 41.
IX. 27.; C. E. 5.; H. v. 16. — O. 12.; Eth. VI. 5. IX.
28.; C. E. 6.; H. LXIV. 2. 3. LXVIII. 3. — Eth. VI. 5.
IX. 30.; C. E. 6.
10. Edm. E. 4.; Eth. V. 25. VI. 11. 28.; C. E. 7. 24.; C. S.
51.; H. XII. 3. — Eth. VI. 13. VII. 31. IX. 1.; C. E. 2.;
Ed. C. 1. — Eth. VI. 15.
11. Edg. I. 3.; Eth. VI. 17. IX. 9.; C. E. 8. — Edg. I. 2.;
Eth. VI. 16. IX. 12.; C. E. 8. — E. & G. 5. 6.; Eth.
VI. 16. 43. VIII. 4.; C. E. 8. 14. — Eth. VI. 19. IX. 12.;
C. E. 12. — E. & G. 6.; Edm. E. 2.; Edg. I. 4. VI. 18.
IX. 10.; C. E. 9.; Ed. C. 10.; Wil. I. 17.; H. XI. 3.
12. Eth. VI. 20. IX. 13.; C. E. 13. — Eth. VI. 21.; C. E. 13.

TABLE OF CONCORDANCE.

ETHELRED. V.—*continued*.

- Cap. 13. E. & G. 7.; Ath. I. 24. III. 2. V. x.; Eth. VI. 22. 44.
IX. 17.; C. E. 15. — Eth. VI. 22.; C. E. 14.
14. Alf. 43.; Eth. VI. 22.; C. E. 16.
16. C. E. 17.
17. Edg. I. 5.; Eth. VI. 24.; C. E. 16.; H. LXII. 1.
18. E. & G. 9.; Eth. VI. 25.; C. E. 17.; H. LXII. 1. — Eth.
VI. 25.; C. E. 17.
20. Eth. VI. 25.; C. E. 17.; H. LXII. 2.
21. Eth. VI. 26.; C. S. 74.; H. XI. 13.
22. Eth. VI. 27.; C. E. 19. — E. & G. 2.; Eth. V. 1. VI. 1. 27.
34. 42. IX. 44.; C. E. 1. 11. 19. 21.
24. Eth. VI. 28.; C. S. 37.; C. F. 14.; H. XI. 7. — Edg. II.
8.; Eth. VI. 28. 32.; C. S. 9.; Wil. III. 7.
25. Edm. E. 6.; Eth. VI. 28.; C. S. 36. 37. — Edm. E. 4.; Eth.
V. 10. VI. 11. 28.; C. E. 7. 24.; C. S. 51.; H. XII. 3.
26. Ath. I. 13.; Eth. VI. 32.; C. S. 10. 66.; R. S. p. 434,
435.; H. x. 1. XIII. 9. LXVI. 6. — Eth. VI. 31. 32.; C. S.
8.
27. Eth. VI. 33.
28. Eth. VI. 35.
29. Eth. VI. 36.
30. Alf. 4.; Ath. I. 4.; Edg. II. 7.; Eth. VI. 37.; C. S. 26.
58. 65.; H. XII. 1. XLIII. 7. XLVII.
31. Eth. VI. 38.
34. Eth. V. 1. VI. 1. 6. VIII. 1.; C. E. 1.; Wil. III. 1.

ETHELRED. VI.

- Cap. 1. Eth. V. 1. 34. VI. 6. VIII. 1.; C. E. 1.; Wil. III. 1. —
E. & G. 2.; Eth. V. 1. 22. VI. 27. 34. 42. IX. 44.; C. E.
1. 11. 19. 21. — E. & G. proem.; Eth. V. 1. IX. 44.;
C. S. 5.
2. Eth. V. 4. IX. 31.; C. E. 6.
3. Eth. V. 5. 6.
4. Eth. V. 7.
5. O. 12.; Eth. V. 9. IX. 28.; C. E. 6.; H. LXIV. 2. 3. LXVIII.
3. — Eth. V. 9. IX. 30.; C. E. 6.
6. Eth. V. 1. 34. VI. 1. VIII. 1.; C. E. 1.; Wil. III. 1.
7. E. & G. 11.; C. S. 4.
8. Ed. proem.; Ed. 11.; Edg. H. 7. II. 1.; Eth. V. 1. VIII. 6.;
C. S. 1.
9. In. 11.; Eth. V. 2. VIII. 5.; C. S. 3.; Wil. I. 41. III. 15.
10. Eth. V. 3.; C. S. 2.; Wil. I. 40.
11. Edm. E. 4.; Eth. V. 10. 25. VI. 28.; C. E. 7. 24.; C. S. 51.;
H. XII. 3.
12. Edm. B. 9.; C. E. 7.
13. Eth. V. 10. VII. 31. IX. 1.; C. E. 2.; Ed. C. 1.
14. E. & G. 1.; Edg. I. 5.; Eth. III. 1. VII. 2.; C. E. 2.; Ed. C.
12. 26. 27.; Wil. I. 1. 2.; H. x. 1. XIII. 1. LXXIX. 3.
15. Eth. V. 10.

TABLE OF CONCORDANCE.

ETHELRED. VI.—*continued.*

- Cap. 16. Edg. I. 2.; Eth. V. 11. IX. 12.; C. E. 8. — E. & G. 5. 6.;
Eth. V. 11. VI. 43. VIII. 4.; C. E. 8. 14.
 17. Edg. I. 3.; Eth. V. 11. IX. 9.; C. E. 8.
 18. In. 4. 61.; Ath. I. proœm.; Edm. E. 2.; Edg. I. 2. 3.; Eth.
VIII. 4. IX. 11.; C. E. 10. 11.; R. S. p. 434, 435.; H.
xi. 4. — E. & G. 6.; Edm. E. 2.; Edg. I. 4.; Eth. V. 11.
IX. 10.; C. E. 9.; Ed. C. 10.; Wil. I. 17.; H. xi. 3.
 19. Eth. V. 11. IX. 12.; C. E. 12.
 20. Eth. V. 12. IX. 13.; C. E. 13.
 21. Eth. V. 12.; C. E. 13.
 22. E. & G. 7.; Ath. I. 24. III. 2. V. x.; Eth. V. 13. VI. 44.
IX. 17.; C. E. 15. — Eth. V. 13.; C. E. 14. — Alf. 43.;
Eth. V. 14.; C. E. 16. — C. E. 15.
 23. Alf. 43.; C. E. 16.; H. LXII. 1.
 24. Edg. I. 5.; Eth. V. 17.; C. E. 16.; H. LXII. 1.
 25. E. & G. 9.; Eth. V. 18.; C. E. 17.; H. LXII. 1. — Eth. V.
20.; C. E. 17.; H. LXII. 2. — Eth. V. 18.; C. E. 17.
 26. Eth. V. 21.; C. S. 74.; H. xi. 13.
 27. E. & G. 2.; Eth. V. 1. 22. VI. 1. 34. 42. IX. 44.; C. E. 1.
11. 19. 21.
 28. Edm. E. 6.; Eth. V. 25.; C. S. 36. 37. — Edm. E. 4.; Eth. V.
10. 25. VI. 11.; C. E. 7. 24.; C. S. 51.; H. XII. 3. —
Eth. V. 24.; C. S. 37.; C. F. 14.; H. xi. 7. — C. S. 50.;
H. xi. 12. — Edg. II. 8.; Eth. V. 24. VI. 32.; C. S. 9.;
Wil. III. 7.
 31. Eth. V. 26. VI. 32.; C. S. 8.
 32. Ath. I. 13.; Eth. V. 26.; C. S. 10. 66.; R. S. p. 432,
433.; H. x. 1. XIII. 9. LXVI. 6. — Ath. I. 14.; Edg. II.
8.; C. S. 8. — Eth. V. 26. VI. 31.; C. S. 8. — Edg. II.
8.; Eth. V. 24. VI. 28.; C. S. 9.; Wil. III. 7.
 33. Eth. V. 27.
 34. E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 42. IX. 44.; C. E. 1.
11. 19. 21.
 35. Eth. V. 28.
 36. Eth. V. 29.
 37. Alf. 4.; Ath. I. 4.; Edg. II. 7.; Eth. V. 30.; C. S. 26.
58. 65.; H. XII. 1. XLIII. 7. XLVII.
 38. Eth. V. 31.
 39. Ethb. 82-84.; Alf. 11. 18. 25. 26.; In. 10.; C. S. 53.; Wil.
I. 12. 18.; H. x. 1. XIII. 6. — Alf. 8. 18.; Edm. E. 4.;
H. LXXIII. 6.
 41. E. & G. 3.; Edm. E. 1.; Edg. S. 1.; Eth. V. 4. 6. 9. IX. 27.;
C. E. 5.; H. v. 16.
 42. E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 34. IX. 44.; C. E. 1.
11. 19. 21.
 43. E. & G. 5. 6.; Eth. V. 11. VI. 16. VIII. 4.; C. E. 8. 14.
 44. E. & G. 7.; Ath. I. 24. III. 2. V. x.; Eth. V. 13. VI. 22.
IX. 17.; C. E. 15.
 48. E. & G. 12.; R. 8.; Eth. IX. 33.; C. S. 40.; H. x. 3.
LXXV. 7.
 52. C. S. 69.
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TABLE OF CONCORDANCE.

ETHELRED. VII.

- Cap. 2. E. & G. 1.; Edg. I. 5.; Eth. III. 1. VI. 14.; C. E. 2.;
Ed. C. 12. 26. 27.; Wil. I. 1. 2.; H. x. 1. XIII. 1. LXXIX.
3.
4. In. 5.; H. xcii. 7.
5. Alf. 2. 5. 42.; In. 5.; Ath. III. 6. IV. 4.; Edm. S. 2.;
Ed. C. 5.; Wil. I. 1. — In. 5.; H. xcii. 7.
6. C. E. 3.
7. Ethb. 1.
8. Ethb. 8.; Wih. 2.
9. Alf. 7.; In. 6.; Eth. VII. 15.; C. S. 60.; H. x. 1. XIII. 7.
LXXX. 1.
11. Alf. 3.
12. Alf. 15. 38.; In. 6.; H. LXXX. 8.
13. Eth. IX. 1-4.; C. E. 2.; H. xi. 1. xii. 3. LXVIII. 2. LXXIX.
5. LXXXVII. 6.
15. Alf. 7.; In. 6.; Eth. VII. 9.; C. S. 60.; H. x. 1. XIII. 7.
LXXX. 1.
31. Eth. V. 10. VI. 13. IX. 1.; C. E. 2.; Ed. C. 1.

ETHELRED. VIII.

- Cap. 1. Eth. V. 1. 34. VI. 1. 6.; C. E. 1.; Wil. III. 1.
2. Wih. 14. 15.; E. & G. 8.; C. S. 47.
3. Wih. I.; Ath. IV. 3.
4. Edg. I. 1.; Eth. IX. 7.; C. E. 8. — E. & G. 5. 6.; Eth. V.
11. VI. 16. 43.; C. E. 8. 14. — In. 4. 61.; Ath. I. procem.;
Edm. E. 2.; Edg. I. 2. 3.; Eth. VI. 18. IX. 11.; C. E.
10. 11.; R. S. p. 434, 435.; H. xi. 4. — Edg. I. 2.; C. E.
11.
5. In. 11.; Eth. V. 2. VI. 9.; C. S. 3.; Wil. I. 41. III. 15.
6. Ed. procem.; Ed. 11.; Edg. H. 7. II. 1.; Eth. V. 1. VI. 8.;
C. S. 1.

ETHELRED. IX.

- Cap. 1. Eth. V. 10. VI. 13. VII. 31.; C. E. 2.; Ed. C. 1. — Eth.
VII. 13. IX. 2-4.; C. E. 2.; H. xi. 1. xii. 3. LXVIII. 2.
LXXIX. 5. LXXXVII. 6.
2. } Eth. VII. 13. IX. 1. 4.; C. E. 2.; H. xi. 1. xii. 3. LXVIII. 2.
3. } LXXIX. 5. LXXXVII. 6.
4. In. 10.; C. E. 3.; C. S. 48. 64. — Eth. VII. 13. IX. 1.
2. 3.; C. E. 2.; H. xi. 1. xii. 3. LXVIII. 2. LXXIX. 5.
LXXXVII. 6.
5. C. E. 3.; H. LXXIX. 6.
7. Edg. I. 1.; Eth. VIII. 4.; C. E. 8.
8. E. & G. 6.; Ath. I. procem.; Edm. E. 2.; Edg. I. 3.; C. E.
8.; Ed. C. 7. 8.; H. xi. 2.
9. Edg. I. 3.; Eth. V. 11. VI. 17.; C. E. 8.
10. E. & G. 6.; Edm. E. 2.; Edg. I. 4.; Eth. V. 11. VI. 18.;
C. E. 9.; Ed. C. 10.; Wil. I. 17.; H. xi. 3.
11. In. 4. 61.; Ath. I. procem.; Edm. E. 2.; Edg. I. 2. 3.; Eth.
VI. 18. VIII. 4.; C. E. 10. 11.; R. S. p. 434, 435.; H.
xi. 4.

TABLE OF CONCORDANCE.

ETHELRED. IX.—*continued*.

- Cap. 12. Edg. I. 2.; Eth. V. 11. VI. 16.; C. E. 8. — Eth. V. 11. VI. 19.; C. E. 12.
 13. Eth. V. 12. VI. 20.; C. E. 13.
 17. E. & G. 7.; Ath. I. 24. III. 2. V. x.; Eth. V. 13. VI. 22. 44.; C. E. 15.
 19. }
 20. } Wih. 17. 18.; C. E. 5.; H. LXIV. 8.
 21. }
 22. }
 23. } C. E. 5.
 24. }
 25. }
 26. Alf. 21.; C. S. 41.; H. LXVI. 2. LXVIII. 8. LXXIII. 2. 3. 4.
 27. E. & G. 3.; Edm. E. 1.; Edg. S. 1.; Eth. V. 4. 6. 9. VI. 41.; C. E. 5.; H. v. 16.
 28. O. 12.; Eth. V. 9. VI. 5.; C. E. 6.; H. LXIV. 2. 3. LXVIII. 3.
 30. Eth. V. 9. VI. 5.; C. E. 6.
 31. Eth. V. 4. VI. 2.; C. E. 6.
 33. E. & G. 12.; R. 8.; Eth. VI. 48.; C. S. 40.; H. x. 3. LXXV. 7.
 42. C. S. 15. 67.; H. x. 1. XI. 14. XIII. 10.
 44. E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 34. 42.; C. E. 1. 11. 19. 21. — E. & G. *procem.*; Eth. V. 1. VI. 1.; C. S. 5.

ORDINANCE RESPECTING THE DUN-SETAS.

- Cap. 8. Ed. *procem.*; Ed. 11.; Edg. H. 7.; H. IX. 4. LI. 2.

CNUT. ECCLESIASTICAL.

- Cap. 1. Eth. V. 1. 34. VI. 1. 6. VIII. 1.; Wil. III. 1. — E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 34. 42. IX. 44.; C. E. 11. 19. 21.
 2. E. & G. 1.; Edg. I. 5.; Eth. III. 1. VI. 14. VII. 2.; Ed. C. 12. 26. 27.; Wil. I. 1. 2.; H. x. 1. XIII. 1. LXXIX. 3. — Eth. V. 10. VI. 13. VII. 31. IX. 1.; Ed. C. 1. — Eth. VII. 13. IX. 1-4.; H. XI. 1. XII. 3. LXVIII. 2. LXXIX. 5. LXXXVII. 6.
 3. In. 10.; Eth. IX. 4.; C. S. 48. 64. — Eth. VII. 6. — Eth. IX. 5.; H. LXXIX. 6.
 5. Wih. 17. 18.; Eth. IX. 19. 20. 21. 22.; H. LXIV. 8. — E. & G. 3.; Edm. E. 1.; Edg. S. 1.; Eth. V. 4. 6. 9. VI. 41. IX. 27.; H. v. 16. — Eth. IX. 23. 24. — Eth. IX. 25.
 6. O. 12.; Eth. V. 9. VI. 5. IX. 28.; H. LXIV. 2. 3. LXVIII. 3. — Eth. V. 4. VI. 2. IX. 31. — Eth. V. 9. VI. 5. IX. 30.
 7. Edm. E. 4.; Eth. V. 10. 25. VI. 11. 28.; C. E. 24.; C. S. 51.; H. XII. 3. — Edm. B. 9.; Eth. VI. 12.
 8. E. & G. 6.; Ath. I. *procem.*; Edm. E. 2.; Edg. I. 3.; Eth. IX. 8.; Ed. C. 7. 8.; H. XI. 2. — Edg. I. 3.; Eth. V. 11. VI. 17. IX. 9. — Edg. I. 2.; Eth. V. 11. VI. 16. IX. 12. — E. & G. 5. 6.; Eth. V. 11. VI. 16. 43. VIII. 4.; C. E. 14. — Edg. I. 1.; Eth. VIII. 4. IX. 7.

TABLE OF CONCORDANCE.

CNUT. ECCLESIASTICAL — *continued.*

- Cap. 9. E. & G. 6.; Edm. E. 2.; Edg. I. 4.; Eth. V. 11. VI. 18. IX. 10.; Ed. C. 10.; Wil. I. 17.; H. xi. 3.
10. In. 4. 61.; Ath. I. proœm.; Edm. E. 2.; Edg. I. 2. 3.; Eth. VI. 18. VIII. 4. IX. 11.; C. E. 11.; R. S. p. 434, 435.; H. xi. 4.
11. In. 4. 61.; Ath. I. proœm.; Edm. E. 2.; Edg. I. 2. 3.; Eth. VI. 18. VIII. 4. IX. 11.; C. E. 10.; R. S. p. 434, 435.; H. xi. 4. — Edg. I. 2.; Eth. VIII. 4. — E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 34. 42. IX. 44.; C. E. 1. 19. 21.
12. Eth. V. 11. VI. 19. IX. 12.
13. Eth. V. 12. VI. 20. IX. 13. — Eth. V. 12. VI. 21.
14. Alf. 43.; Edg. I. 5. — Eth. V. 13. VI. 22. — E. & G. 5. 6.; Eth. V. 11. VI. 16. 43. VIII. 4.; C. E. 8.
15. E. & G. 7.; Ath. I. 24. III. 2. V. x.; Eth. V. 13. VI. 22. 44. IX. 17. — Eth. VI. 22. 44.
16. Alf. 43.; Eth. V. 14. VI. 22. — Edg. I. 5.; Eth. V. 17. VI. 24.; H. LXII. 1. — Alf. 43.; Eth. VI. 23.; H. LXII. 1. — Alf. 40.; C. S. 48.; H. LXII. 1.
17. E. & G. 9.; Eth. V. 18. VI. 25.; H. LXII. 1. — Eth. V. 16. — Eth. V. 20. VI. 25.; H. LXII. 2.
19. Alf. 1. — E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 34. 42. IX. 44.; C. E. 1. 11. 21.
21. E. & G. 2.; Eth. V. 1. 22. VI. 1. 27. 34. 42. IX. 44.; C. E. 1. 11. 19.
24. Edm. E. 4.; Eth. V. 10. 25. VI. 11. 28.; C. E. 7.; C. S. 51.; H. XII. 3.

CNUT. SECULAR.

- Cap. 1. Ed. proœm.; Ed. 11.; Edg. H. 7. II. 1.; Eth. V. 1. VI. 8. VIII. 6.
2. Eth. V. 3. VI. 10.; Wil. I. 40.
3. In. 11.; Eth. V. 2. VI. 9. VIII. 5.; Wil. I. 41. III. 15.
4. E. & G. 11.; Eth. VI. 7.
5. E. & G. proœm.; Eth. V. 1. VI. 1. IX. 44.
6. Wih. 4.
8. Ath. I. 14.; Edg. II. 8.; Eth. VI. 32. — Eth. V. 26. VI. 31. 32.
9. Edg. II. 8.; Eth. V. 24. VI. 28. 32.; Wil. III. 7.
10. Ath. I. 13.; Eth. V. 26. VI. 32.; C. S. 66.; R. S. p. 432, 433.; H. x. 1. XIII. 9. LXVI. 6.
12. C. S. 14. 15.; H. x. 1.
13. In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6. IV. 4. V. 1. 2.; Eth. III. 13.; C. S. 15. 67.; Ed. C. 5.; H. VIII. 4. x. 1. xi. 14. XIII. 10.
14. C. S. 12. 15.; H. x. 1.
15. In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6. IV. 4. V. 1. 2.; Eth. III. 13.; C. S. 13. 67.; Ed. C. 5.; H. VIII. 4. x. 1. xi. 14. XIII. 10. — Edg. II. 3.; Wil. I. 13. 39.; H. XIII. 4. xxxiv. 1. 2. 3. — Eth. IX. 42.; C. S. 67.; H. x. 1. xi. 14. XIII. 10. — C. S. 12. 14.; H. x. 1. — Ed. 2. 4.; H. XIII. 4.
16. Alf. 32.; Edg. II. 4.; H. xxxiv. 7.

TABLE OF CONCORDANCE.

CNUT. SECULAR — *continued.*

- Cap. 17. Ath. I. 3.; Edg. II. 2.; Wil. I. 43.; H. xxxiv. 6.
18. Ed. 11.; Edg. H. 1. II. 5.; H. vii. 4. LI. 2. — Edg. II. 5.;
H. vii. 2. xxxi. 3.
19. Wil. I. 44.
20. Edm. C. 7.; Edg. II. 6.; Edg. S. 3.; Eth. I. 1.; Wil. I. 25.
III. 14.; H. viii. 2. — H. lxxviii. 2.
22. Eth. I. 1. III. 3. 4.; C. S. 30.; H. lxiv. 9. lxv. 3. lxxvii. 1.
— C. F. 12. — H. lxiv. 9.
23. O. 8.; Edg. S. 6.
24. Ed. 1.; Ath. I. 12. 13. III. 2. V. x. — Ed. 1.; Ath. I.
10. 12.; Edm. C. 5.; Edg. S. 6.; Eth. I. 3.; Ed. C. 38.;
Wil. I. 45. III. 10. 11.
25. Ath. I. 20.; Edg. II. 7.; Wil. III. 14.; H. xxix. 2. 3. LI. 1.
LIII. 1. — Edg. II. 7.; C. S. 30.; Wil. I. 47.; H. lxv. 3.
26. Alf. 4.; Ath. I. 4.; Edg. II. 7.; Eth. V. 30. VI. 37.;
C. S. 58. 65.; H. xii. 1. xliii. 7. xlvi.
27. Ed. 1.; H. xxiii. 2.
28. H. & E. 15.; Ed. C. 23.; Wil. I. 48.; H. viii. 5. — Alf. 37.;
In. 39.; Ed. 10.; Ath. I. 22. II. 4. III. 4. IV. 1.; Edm. C.
3.; Wil. I. 30. 48.; H. xliii. 2.
29. In. 28. 36. 72.; Wil. I. 3. 49.; H. xii. 3. LIX. 18. 26. LXV.
1. 2. — Wil. I. 49. 50.
30. Ath. I. 7.; Eth. I. 1. — Edg. II. 7.; C. S. 25.; Wil. I.
47.; H. lxv. 3. — Eth. I. 1. III. 3. 4.; C. S. 22.; H.
lxiv. 9. lxv. 3. lxxvii. 1. — Eth. I. 1.; C. S. 31.; Wil. I.
52.; H. xli. 6. lxv. 4. — Eth. I. 4.; C. S. 33.; Wil. I.
47.; H. lxv. 3.
31. Ath. II. 7.; Edm. C. 7.; Eth. I. 1.; Ed. C. 21.; Wil. I.
52.; H. viii. 3. xli. 6. LIX. 6. — Eth. I. 1.; C. S. 30.;
Wil. I. 52.; H. xli. 6. LXV. 4.
32. Ath. I. 19.; Eth. I. 2.
33. Eth. I. 4.; C. S. 30.; Wil. I. 47.; H. lxv. 3.
35. C. F. 13.; H. lxv. 5.
36. Ed. 3.; Ath. I. 25.; C. S. 37. — Edm. E. 6.; Eth. V. 25.
VI. 28.; C. S. 37. — H. xi. 6.
37. Ed. 3.; Ath. I. 25.; C. S. 36. — Edm. E. 6.; Eth. V. 25.
VI. 28.; C. S. 36. — Eth. V. 24. VI. 28.; C. F. 14.; H.
xi. 7.
39. H. xi. 8. LXVI. 1. LXVIII. 5. 7. LXXIII. 6.
40. E. & G. 12.; R. 8.; Eth. VI. 48. IX. 33.; H. x. 3. LXXV. 7.
41. Alf. 21.; Eth. IX. 26.; H. LXVI. 2. LXVIII. 8. LXXIII.
2. 3. 4.
42. Ethb. 24. 88.; Alf. 35.; C. S. 61.; H. xc. 9. — H. LXVI. 3.
43. E. & G. 4.
44. E. & G. 5.; H. xi. 9. LXVI. 4.
45. E. & G. 9. — Wih. 9-11.; In. 3.; E. & G. 7.; H. xi. 10.
47. Wih. 14. 15.; E. & G. 8.; Eth. VIII. 2.
48. In. 10.; Eth. IX. 4.; C. E. 3.; C. S. 64. — Alf. 40.; C. E. 16.;
H. LXII. 1.
49. E. & G. 6.; H. xi. 11. XIII. 11. LXVI. 5.
50. Eth. VI. 28.; H. xi. 12.
51. Edm. E. 4.; Eth. V. 10. 25. VI. 11. 28.; C. E. 7. 24.; H.
xii. 3.
52. E. & G. 4.; H. xi. 5.

TABLE OF CONCORDANCE.

CNU^T. SECULAR—*continued*.

- Cap. 53. Ethb. 82-84.; Alf. 11. 18. 25. 26.; In. 10.; Eth. VI. 39.;
 Wil. I. 12. 18.; H. x. 1. XIII. 6.
54. Ethb. 31.
56. Wih. 4.
58. Alf. 4.; Ath. I. 4.; Edg. II. 7.; Eth. V. 30. VI. 37.;
 C. S. 26. 65.; H. XII. 1. XLIII. 7. XLVII.
59. Alf. 3.
60. Alf. 7.; In. 6.; Eth. VII. 9. 15.; H. x. 1. XIII. 7. LXXX. 1.
61. Ethb. 24.; Alf. 35.; H. xc. 9.
62. H. x. 1. XII. 3. XIII. 8.
63. Edm. S. 6.; Eth. IV. 4.; Wil. I. 2. 15.
64. In. 10.; Eth. IX. 4.; C. E. 3.; C. S. 48.
65. Alf. 4.; Ath. I. 4.; Edg. II. 7.; Eth. V. 30. VI. 37.;
 C. S. 26. 58.; H. XII. 1. XLIII. 7. XLVII.—Ath. I. 6. IV.
 6.; H. x. 1. XII. 1. XLVI. 1. XLVII. LXVI. 9.—Wil. I.
 15.; H. XII. 1. XLVII.
66. In. 51.; H. XIII. 9. LXVI. 6.—Ath. I. 13.; Eth. V. 26. VI.
 32.; C. S. 10.; R. S. p. 432, 433.; H. x. 1. XIII. 9. LXVI.
 6.
67. Eth. IX. 42.; C. S. 15.; H. x. 1. XI. 14. XIII. 10.—H. XI.
 14.—In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6. IV. 4. V. 1.
 2.; Eth. III. 13.; C. S. 13. 15.; Ed. C. 5.; H. VIII. 4.
 x. 1. XI. 14. XIII. 10.
69. Eth. VI. 52.
71. Wil. I. 34.
72. Wil. I. 20.; H. XIV. 1-4.
73. O. 14.; Eth. III. 14.; H. XIV. 5.
74. Eth. V. 21. VI. 26.; H. XI. 13.—H. XIV. 6.
76. H. LXXXVII. 2.
77. In. 7. 57.
78. p. 456, 457. *n.*; H. x. 1. XIII. 12. XLIII. 2. 7.
81. C. F. 30.
82. Eth. III. 3.
84. Ath. I. 26.; Ed. C. p. 456, 457. *n.*; H. XII. 4. XXXIV. 8.

CNU^T. CONSTITUTIONES DE FORESTA.

- Cap. 12. C. S. 22.; H. LXIV. 9.
13. C. S. 35.; H. LXV. 5.
14. Eth. V. 24. VI. 28.; C. S. 37.; H. XI. 7.
28. } Alf. 12.; In. 43. 44.; H. XXIII. 2. XXXVII. XLV. 4.
29. }
30. C. S. 81.

RECTITUDINES SING. PERSONARUM.

- p. 434. } In. 4. 61.; Ath. I. proœm.; Edm. E. 2.; Edg. I. 2. 3.; Eth.
435. } VI. 18. VIII. 4. IX. 11.; C. E. 10. 11.; H. XI. 4.—Ath. I.
 13.; Eth. V. 26. VI. 32.; C. S. 10. 66.; H. x. 1. XIII. 9.
 LXVI. 6.

TABLE OF CONCORDANCE.

EDWARD THE CONFESSOR.

- Cap. 1. Eth. V. 10. VI. 13. VII. 31. IX. 1.; C. E. 2.
 5. Alf. 2. 5. 42.; In. 5.; Ath. III. 6. IV. 4.; Edm. S. 2.; Eth. VII. 5.; Wil. I. 1. — In. 30.; Ed. 7. 8.; Ath. I. 8. 20. III. 6. IV. 4. V. 1. 2.; Eth. III. 13.; C. S. 13. 15. 67.; H. VIII. 4. x. 1. XI. 14. XIII. 10.
 6. Ath. I. 5.; Wil. I. 15.
 7. } E. & G. 6.; Edm. E. 2.; Edg. I. 3.; Eth. IX. 8.; C. E. 8.;
 8. } H. XI. 2.
 10. E. & G. 6.; Edm. E. 2.; Edg. I. 4.; Eth. V. 11. VI. 18. IX. 10.; C. E. 9.; Wil. I. 17.; H. XI. 3.
 11. H. xv.
 12. In. 70.; Wil. I. 7.; H. LXIX. LXX. 2. 4. LXXXVII. 4. — E. & G. 1.; Edg. I. 5.; Eth. III. 1. VI. 14. VII. 2.; C. E. 2.; Ed. C. 26. 27.; Wil. I. 1. 2.; H. x. 1. XIII. 1. LXXIX. 3. — Eth. IV. 4.; Wil. I. 26.
 14. Ed. C. 24.; Wil. I. 6.; H. x. 1.
 16. A. & G. 2.; Eth. II. 5.; H. LXX. 6. 8.
 20. Ed. C. 28. — Wil. I. 3.
 21. Ath. II. 7.; Edm. C. 7.; Eth. I. 1.; C. S. 31.; Wil. I. 52.; H. VIII. 3. XLI. 6. LIX. 6.
 23. H. & E. 15.; C. S. 28.; Wil. I. 48.; H. VIII. 5.
 24. Ed. C. 14.; Wil. I. 6.; H. x. 1.
 26. } E. & G. 1.; Edg. I. 5.; Eth. III. 1. VI. 14. VII. 2.; C. E. 2.;
 27. } Ed. C. 12.; Wil. I. 1. 2.; H. x. 1. XIII. 1. LXXIX. 3.
 28. Ed. C. 20.
 36. In. 21.; Ath. I. 11.; Eth. III. 7.; H. LXIV. 5. LXXIV. 2.
 38. Ed. 1.; Ath. I. 10. 12.; Edm. C. 5.; Edg. S. 6.; Eth. I. 3.; C. S. 24.; Wil. I. 45. III. 10. 11.

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 2. } Edm. S. 2.; Eth. VII. 5.; Ed. C. 5. — E. & G. 1.; Edg. I. 5.; Eth. III. 1. VI. 14.; Eth. VII. 2.; C. E. 2.; Ed. C. 12. 26. 27.; H. x. 1. XIII. 1. LXXIX. 3. — Edm. S. 6.; Eth. IV. 4.; C. S. 63.; Wil. I. 15.
 3. In. 28. 36. 72.; C. S. 29.; Wil. I. 49.; H. XII. 3. LIX. 18. 26. LXV. 1. 2.; Ed. C. 20.
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 8. In. 70.; E. & G. 13.; O. 13.; Wg. 6. 9-12.; M. L.; H. LXIV. 2. LXX. 1. LXXVI. 4.
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17. E. & G. 6.; Edm. E. 2.; Edg. I. 4.; Eth. V. 11. VI. 18.
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C. S. 53.; Wil. I. 12.; H. x. 1. XIII. 6.
19. Ethb. 43.; Alf. 47.; H. XCIII. 5.
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26. Eth. IV. 4.; Ed. C. 12.
27. Wih. 25. 26.; In. 12.; Ath. I. 1. III. 6.; H. LVII. 4. LIX.
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32. In. 39.; H. XLIII. 2.
34. C. S. 71.
35. Alf. 42.
36. H. LXXI. 1.
39. Edg. II. 3.; C. S. 15.; Wil. I. 13.; H. XIII. 4. XXXIV. 1.
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42. Edg. H. 6.
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- § 2. Edg. II. 5.; C. S. 18.; H. xxxi. 3.
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- § 2. Edm. C. 7.; Edg. II. 6.; Edg. S. 3.; Eth. I. 1.; C. S. 20.;
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 3. Ath. II. 7.; Edm. C. 7.; Eth. I. 1.; C. S. 31.; Ed. C.
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- 9. E. & G. 5.; C. S. 44.; H. LXVI. 4.
- 10. Wih. 9-11.; In. 3.; E. & G. 7.; C. S. 45.
- 11. E. & G. 6.; C. S. 49.; H. XIII. 11. LXVI. 5.
- 12. Eth. VI. 28.; C. S. 50.
- 13. Eth. V. 21. VI. 26.; C. S. 74.
- 14. Eth. IX. 42.; C. S. 15. 67.; H. x. 1. XIII. 10. — In. 30.;
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- 3. Ath. I. 14.; Eth. III. 8. IV. 5.
- 4. Edg. II. 3.; C. S. 15.; Wil. I. 13. 39.; H. xxxiv. 1. 2. 3.
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- 6. Ethb. 82-84.; Alf. 11. 18. 25. 26.; In. 10.; Eth. VI. 39.;
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- 7. Alf. 7.; In. 6.; Eth. VII. 9. 15.; C. S. 60.; H. x. 1. LXXX.
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- 11. E. & G. 6.; C. S. 49.; H. XI. 11. LXVI. 5.
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8. Ath. I. 26.; C. S. 84.; Ed. C. p. 456, 457. n.; H. xii. 4.
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- § 2. Ethb. 27. 29.; Alf. 40.; In. 45.; Eth. IV. 4.; H. xii. 2.
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- § 1. Ath. I. 20.; Edg. II. 7.; C. S. 25.; Wil. III. 14.; H. XXIX.
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- § 2. In. 70.; E. & G. 13.; O. 13.; Wg. 6. 9-12.; M. L.;
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- § 1. } In. 28. 36. 72.; C. S. 29.; Wil. I. 3. 49.; H. XII. 3. LIX. 18.
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- § 1. C. S. 39.; H. XI. 8. LXVIII. 5. 7. LXXIII. 6.
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5. E. & G. 6.; C. S. 49.; H. XI. 11. XIII. 11.
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- § 1. In. 70.; Ed. C. 12.; Wil. I. 7.; H. LXX. 2. 4. LXXXVII. 4.

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- § 1. Ath. I. 6.; Edm. E. 6. — Wil. I. 36.

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- § 2. } Alf. 21.; Eth. IX. 26.; C. S. 41.; H. LXVI. 2. LXVIII.
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- § 2. In. 21.; Ath. I. 11.; Eth. III. 7.; Ed. C. 36.; H. LXIV.
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- § 6. Alf. 27. 28.; In. 23.; H. LXXV. 10.
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- § 1. E. & G. 13.; Edm. S. 7.; Wil. I. 7-9.; H. LXVIII. 1. LXXVI.
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- § 1. Ethb. 5.; H. XIII. 1. LXXX. 7. — Alf. 7.; In. 6.; Eth. VII.
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 7. Ethb. 5.; H. XIII. 1. LXXX. 1.
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